A

HISTORY OF ENGLAND

IN THE

EIGHTEENTH CENTURY

BY

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CHAPTER XI.

AMERICA, 1763–1776.

At the time of the Peace of Paris in 1763, the thirteen American colonies which were afterwards detached from the English Crown contained, according to the best computation, about a million and a half freemen, and their number probably slightly exceeded two millions at the time of the Declaration of Independence. No part of the British Empire had gained so largely by the late war and by the ministry of Pitt. The expulsion of the French from Canada and of the Spaniards from Florida, by removing for ever the danger of foreign interference, had left the colonists almost absolute masters of their destinies, and had dispelled the one dark cloud which hung over their future. No serious danger any longer menaced them. No limits could be assigned to their expansion. Their exultation was unbounded, and it showed itself in an outburst of genuine loyalty. The name of Pittsburg given to the fortress erected where Fort Duquesne had once stood attested the gratitude of America to the minister to whom she

owed so much. Massachusetts, the foremost of the New England States, voted a costly monument in Westminster Abbey to Lord Howe, who had fallen in the conquest of Canada. The assembly of the same State in a congratulatory address to the Governor declared that without the assistance of the parent State they must have fallen a prey to the power of France, that without the compensation granted to them by Parliament the burdens of the war would have been insupportable, that without the provisions of the treaty of peace all their successes would have been delusive. In an address to the King they repeated the same acknowledgment, and pledged themselves, in terms to which later events gave a strange significance, to demonstrate their gratitude by every possible testimony of duty and loyalty.[1]

Several acute observers had already predicted that the triumph of England would be soon followed by the revolt of her colonies. I have quoted in a former chapter the remarkable passage in which the Swedish traveller, Kalm, contended in 1748 that the presence of the French in Canada, by making the English colonists depend for their security on the support of the mother country, was the main cause of the submission of the colonies. In his 'Notes upon England,' which were probably written about 1730, Montesquieu had dilated upon the restrictive character of the English commercial code, and had expressed his belief that England would be the first nation abandoned by her colonies. A few years later, Argenson, who has left some of the most striking political predictions upon record, foretold in his Memoirs that the English colonies in America would one day rise against the mother

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[1] Grahame's *Hist. of the United States*, iv. 94, 95. Hutchinson's *Hist. of Massachusetts Bay from 1749 to 1774*, p. 101.

country, that they would form themselves into a republic, and that they would astonish the world by their prosperity. In a discourse delivered before the Sorbonne in 1750 Turgot compared colonies to fruits which only remain on the stem till they have reached the period of maturity, and he prophesied that America would some day detach herself from the parent tree. The French ministers consoled themselves for the Peace of Paris by the reflection that the loss of Canada was a sure prelude to the independence of the colonies; and Vergennes, the sagacious French ambassador at Constantinople, predicted to an English traveller, with striking accuracy, the events that would occur. 'England,' he said, 'will soon repent of having removed the only check that could keep her colonies in awe. They stand no longer in need of her protection. She will call on them to contribute towards supporting the burdens they have helped to bring on her, and they will answer by striking off all dependence.'[1]

It is not to be supposed that Englishmen were wholly blind to this danger. One of the ablest advocates of the retention of Canada was the old Lord Bath, who published a pamphlet on the subject which had a very wide influence and circulation;[2] but there were a few politicians who maintained that it would be wiser to restore Canada and to retain Guadaloupe, with perhaps Martinico and St. Lucia. This view was supported with distinguished talent in an anonymous reply to Lord Bath, which is said to have been written by William Burke, the friend and kinsman of the great orator. Canada, this writer argued, was not one of the original objects of the war, and we had no original right to it. The acquisition of a vast, barren, and almost un-

[1] Bancroft's *Hist. of the United States*, i. 525.

[2] *Letter to Two Great Men on the Prospect of Peace.*

inhabited country, lying in an inhospitable climate, and with no commerce except that of furs and skins, was economically far less valuable to England than the acquisition of Guadaloupe, which was one of the most important of the sugar islands. Before the war France had a real superiority in the West Indies, and the English Caribbean islands were far more endangered by the French possession of Guadaloupe, than the English American colonies by the French possession of Canada. The latter danger was, indeed, never great, and by a slight modification of territory and the erection of a few forts it might be reduced to insignificance. England in America was both a far greater continental and a far greater naval Power than France, and she had an immense superiority both in population and position. But in addition to these considerations, it was urged, an island colony is more advantageous than a continental one, for it is necessarily more dependent upon the mother country. In the New England provinces there are already colleges and academies where the American youth can receive their education. America produces, or can easily produce, almost everything she wants. Her population and her wealth are rapidly increasing; and as the colonies recede more and more from the sea, the necessity for their connection with England will steadily diminish. 'They will have nothing to expect, they must live wholly by their own labour and in process of time will know little, inquire little, and care little about the mother country. If the people of our colonies find no check from Canada they will extend themselves almost without bounds into the inland parts. . . . What the consequence will be to have a numerous, hardy, independent people possessed of a strong country, communicating little or not at all with England, I leave to your own reflections. . . . By eagerly grasping at extensive territory we may run the risk, and that

perhaps in no very distant period, of losing what we now possess. The possession of Canada, far from being necessary to our safety, may in its consequences be even dangerous. A neighbour that keeps us in some awe is not always the worst of neighbours. So far from sacrificing Guadaloupe to Canada, perhaps if we might have Canada without any sacrifice, we ought not to desire it. . . . There is a balance of power in America as well as in Europe.'[1]

These views are said to have been countenanced by Lord Hardwicke,[2] but the tide of opinion ran strongly in the opposite direction. Mauduit as well as Bath wrote in favour of the retention of Canada, and their arguments were supported by Franklin, who in a remarkable pamphlet sketched the great undeveloped capabilities of the colonies, and ridiculed the 'visionary fear' that they could ever be combined against England.[3] Pitt was strongly on the same side. The nation had learned to look with pride and sympathy upon that greater England which was growing up beyond the

[1] *Remarks on the Letter Addressed to Two Great Men*, pp. 30, 31.

[2] Hutchinson's *History of Massachusetts Bay from 1749 to 1774*, p. 100. Hardwicke, however, is said to have been governed exclusively by commercial considerations.

[3] 'Their jealousy of each other is so great, that however necessary a union of the colonies has long been for their common defence and security against their enemies, and how sensible soever each colony has been of that necessity, yet they have never been able to effect such a union among themselves, nor even to agree in requesting the mother country to establish it for them. Nothing but the immediate command of the Crown has been able to produce even the imperfect union but lately seen there of the forces of some colonies. If they could not agree to unite for their defence against the French and Indians . . . can it reasonably be supposed there is any danger of their uniting against their own nation, which protects and encourages them, with which they have so many connections and ties of blood, interest, and affection, and which, it is well known, they all love much more than they love one another?'—Canada Pamphlet, Franklin's *Works*, iv. 41, 42.

Atlantic, and there was a desire which was not ungenerous or ignoble to remove at any risk the one obstacle to its future happiness. It was felt that the colonists who had contributed so largely to the conquest of Cape Breton had been shamefully sacrificed at the Peace of Aix-la-Chapelle, when that province was restored to France; and that the expulsion of the French from Canada was essential, not only to the political and commercial prosperity of the Northern colonists, but also to the security of their homes. The Indian tribes clustered thickly around the disputed frontier, and the French being numerically very inferior to the English, had taken great pains to conciliate them, and at the same time to incite them against the English. Six times within eighty-five years the horrors of Indian war had devastated the northern and eastern frontier.[1] The Peace of Paris, by depriving the Indians of French support, was one of the most important steps to their subjection.

To any statesman who looked upon the question without passion and without illusion, it must have appeared evident that if the English colonies resolved to sever themselves from the British Empire, it would be impossible to prevent them. Their population is said to have doubled in twenty-five years. They were separated from the mother country by three thousand miles of water. Their seaboard extended for more than one thousand miles. Their territory was almost boundless in its extent and in its resources, and the greater part of it was still untraversed and unexplored. To conquer such a country would be a task of great difficulty, and of ruinous expense. To hold it in opposition to the general wish of the people would be impossible. England by her command of the sea might easily destroy its

[1] Hildreth's *History of the United States*, ii. 496.

commerce, disturb its fisheries, bombard its seaboard towns, and deprive it of many of the luxuries of life, but she could strike no vital blow. The colonists were chiefly small and independent freeholders, hardy backwoodsmen and hunters, universally acquainted with the use of arms, and with all the resources and energies which life in a new country seldom fails to develop. They had representative assemblies to levy taxes and organise resistance. They had militias which in some colonies included all adult freemen between the ages of sixteen or eighteen and fifty or sixty;[1] and in addition to the Indian raids, they had the military experience of two great wars. The capture of Louisburg in 1749 had been mainly their work, and although at the beginning of the following war they exhibited but little alacrity, Pitt, by promising that the expenses should be reimbursed by the British Parliament, had speedily called them to arms. In the latter stages of the war more than 20,000 colonial troops, 10,000 of them from New England alone, had been continually in the field, and more than 400 privateers had been fitted out in the colonial harbours.[2] The colonial troops were, it is true, only enlisted for a single campaign, and they therefore never attained the steadiness and discipline of English veterans; but they had co-operated honourably in the conquest of Canada, and

[1] Burnaby's *Travels in North America.* Pinkerton's *Voyages,* xiii. 725, 728, 749. Gerard Hamilton, in a letter written in 1767, said: 'There are in the different provinces above a million of people of which we may suppose at least 200,000 men able to bear arms; and not only able to bear arms, but having arms in their possession unrestrained by any iniquitous game Act. In the Massachusetts Government particularly, there is an express law by which every man is obliged to have a musket, a pound of powder, and a pound of bullets always by him, so there is nothing wanting but knapsacks (or old stockings, which will do as well) to equip an army for marching.'—*Chatham Correspondence,* iii. 203.

[2] Ramsay's *Hist. of the American Revolution,* i. 40. Hildreth, ii. 486. Grahame, iv. 94.

even in the expeditions against Havannah and Martinique, and they contained many skilful officers quite capable of conducting a war.

Under such circumstances, with the most moderate heroism, and even without foreign assistance, a united rebellion of the English colonies must have been successful, and their connection with the mother country depended mainly upon their disposition towards her and towards each other. For some years before the English Revolution, and for several years after the accession of William, the relations of the colonies to England had been extremely tense; but in the long period of unbroken Whig rule which followed, most of the elements of discontent had subsided. The wise neglect of Walpole and Newcastle was eminently conducive to colonial interests. The substitution in several colonies of royal for proprietary governments was very popular. It was found that the direct rule of the Sovereign was much more equitable and liberal than that of private companies or individuals. Pennsylvania, Maryland, and Delaware alone retained the proprietary form, and in the first two at least, a large party desired that the proprietors should be compensated, and that the colonies should be placed directly under the Crown.[1] There were slight differences in the colonial forms of government, but everywhere the colonists paid their governors and their other officials. The lower chamber in each province was elected freely by the people, and in nearly every respect they governed themselves under the shadow of the British dominion with a liberty which was hardly equalled in any other portion of the civilised globe. Political power was incomparably more diffused, and the representative

[1] See a very remarkable pamphlet of Franklin, called *Cool Thoughts on the present Situation* (1764), advocating the abolition of the proprietary government in Pennsylvania. Franklin's *Works*, iv, 78 93.

system was incomparably less corrupt than at home, and real constitutional liberty was flourishing in the English colonies when nearly all European countries and all other colonies were despotically governed. Material prosperity was at the same time advancing with giant strides, and religious liberty was steadily maintained. Whatever might be her policy nearer home, in the colonies the English Government in the eighteenth century uniformly opposed the efforts of any one sect to oppress the others.[1]

The circumstances and traditions of the colonists had made them extremely impatient of every kind of authority, but there is no reason for doubting that they were animated by a real attachment to England. Their commercial intercourse, under the restrictions of the Navigation Law, was mainly with her. Their institutions, their culture, their religion, their ideas were derived from English sources. They had a direct interest in the English war against France and Spain. They were proud of their English lineage, of English greatness, and of English liberty, and, in the words of Franklin, they had 'not only a respect but an affection for Great Britain; . . . to be an Old England man was of itself a character of some respect, and gave a kind of rank among them.'[2] Hutchinson, the Governor of Massachusetts, who was one of the strongest supporters of the royal authority, acknowledges that when George III. mounted the throne, if speculative men sometimes figured in their minds an

[1] In Carolina a law had been passed depriving the Dissenters of their political privileges, but it was repealed by the King in Council. Franklin's *Works*, iv. 84. Franklin adds: 'Nor is there existing in any of the American colonies any test imposed by Great Britain to exclude Dissenters from office. In some colonies, indeed, where the Episcopalians, and in others the Dissenters, have been predominant, they have made partial laws in favour of their respective sects, and laid some difficulties on the others, but those laws have been generally, on complaint, repealed at home.'—P. 88.

[2] See his evidence before Parliament in 1766. Franklin's *Works*, iv. 169.

American Empire, it was only 'in such distant ages that nobody then living could expect to see it;' and he adds that the rapid growth of colonial power had as yet produced no 'plan or even desire of independency,' and that 'the greatest hope from the reduction of Canada, as far as could be judged from the public prayers of the clergy as well as from the conversation of people in general, was "to sit quiet under their own vines and fig-trees, and to have none to make them afraid."'[1] The great career of Pitt, which had intensified patriotic feelings throughout the Empire, was nowhere more appreciated than in America, and the Peace of Paris, however distasteful to Englishmen, might at least have been expected to strengthen the loyalty of the colonies. It had been made by men who were wholly beyond the range of their influence, yet they had gained incomparably more by it than any other portion of the Empire.

The patriotism of the colonies indeed attracted them far more to England than to each other. Small groups of colonies were no doubt drawn together by a natural affinity, but there was no common colonial government, and they were in general at least as jealous of each other as of England. One of the chief excuses for imposing by parliamentary authority imperial taxation on the colonies was the extreme difficulty of inducing them to co-operate cordially for military purposes.[2] Soon after the Revolution, William had proposed a plan for

[1] Hutchinson's *Hist. of Massachusetts Bay*, pp. 84, 85.

[2] The Swedish traveller Kalm, who visited North America in 1749 and 1750, was much struck with this dislike to co-operation. He says: 'Each English colony in North America is independent of the other. . . . From hence it happens that in time of war things go on very slowly and irregularly here; for not only the sense of one province is sometimes directly opposite to that of another, but frequently the views of the Governor and those of the Assembly of the same province are quite different. . . . It has commonly happened that while some provinces have been suffer-

general defence against the French forces in Canada by which each colony was to contribute a contingent proportionate to its numbers, but all the colonial assemblies rejected it, and the States which were most remote from the danger absolutely refused to participate in the expense.[1] In 1754, when another great war was impending, a Congress of Commissioners from the different colonies assembled at Albany, at the summons of the Lords of Trade, for the purpose of concerting together and with the friendly Indians upon measures of defence. Benjamin Franklin was one of the Commissioners for Pennsylvania, and he brought forward a plan for uniting the colonies for defence and for some other purposes of general utility into a single Federal State, administered by a President-General appointed by the Crown, and by a general council elected by the colonial assemblies; but the plan was equally repudiated by the colonial legislatures as likely to abridge their authority, and by the Board of Trade as likely to foster colonial independence.[2] In the war that ensued it was therefore left to the colonial legislatures to act independently in raising troops and money, and while the Northern colonies which lay nearest Canada more than fulfilled their part, some of the Southern ones refused to take any considerable share of the burden. The management of Indian affairs gradually passed with general approval from the different colonial legislatures to the Crown, as it was found im-

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ing from their enemies, the neighbouring ones were quiet and inactive and as if it did not in the least concern them. They have frequently taken up two or three years in considering whether they should give assistance to an oppressed sister colony, and sometimes they have expressly declared themselves against it. There are instances of provinces who were not only neuter in these circumstances, but who even carried on a great trade with the Power which at that very time was attacking and laying waste some other provinces.'—Pinkerton's *Voyages*, xiii. 460, 461.

[1] Grahame, iii. 13.

[2] Franklin's *Works*, i. 177.

possible to induce the former to act together on any settled plan.[1]

The history of the colonies during the twenty or thirty years preceding the Declaration of Independence is full of intestine or intercolonial disputes. There were angry discussions about boundaries between Massachusetts on the one hand, and Rhode Island, New Hampshire, and Connecticut on the other. Albany was long accused of trafficking largely with the Indians for the spoils they had obtained in their raids upon New England. New York quarrelled fiercely with Virginia about the responsibility for the failure of a military expedition, and with New Hampshire about the government of the territory which was subsequently known as Vermont. In Pennsylvania and Maryland the Assemblies were in continual hostility with their proprietaries, and the mother country was compelled to decide a violent dispute about salaries between the Virginian laity and clergy. Great bodies of Dutch, Germans, French, Swedes, Scotch, and Irish, scattered among the descendants of the English, contributed to the heterogeneous character of the colonies, and they comprised so many varieties of government, religious belief, commercial interest, and social type, that their union appeared to many incredible on the very eve of the Revolution.[2] The

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[1] Grahame, iv. 145-147.

[2] The following is the judgment of that usually very acute observer, Burnaby, who travelled through the colonies in 1759 and 1760. 'Fire and water are not more heterogeneous than the different colonies in North America. Nothing can exceed the jealousy and emulation which they possess in regard to each other. The inhabitants of Pennsylvania and New York have an inexhaustible source of animosity in their jealousy for the trade of the Jerseys. Massachusetts Bay and Rhode Island are not less interested in that of Connecticut. The West Indies are a common subject of emulation to them all. Even the limits and boundaries of each colony are a constant source of litigation. In short, such is the difference of character, of manners, of religion, of interest of the different colonies,

movement which at last arrayed them in a united front against England was not a blind instinctive patriotism or community of sentiment, like that which animates old countries. It was the deliberate calculation of intelligent men, who perceived that by such union alone could they attain the objects of their desire.

New England, which was the centre of the resistance, was then divided into the four States of Massachusetts Bay, Connecticut, New Hampshire, and Rhode Island, and it was, in proportion to its size, by far the most populous portion of British America. It comprised about a third part of its whole population,[1] and Massachusetts alone had, during a great part of the last war, maintained 7,000 men under arms. The descendants of the old Puritans, the New Englanders were still chiefly Congregationalists or Presbyterians, and there might be found among them an austerity of manners and of belief which was hardly exceeded in Scotland. It was, however, gradually declining under many influences. Time, increasing wealth, the intellectual atmosphere of the eighteenth century, the disorders and changes produced by a state of war, contact with large bodies of European soldiers, and also the demoralising

that I think, if I am not wholly ignorant of the human mind, were they left to themselves, there would soon be a civil war from one end of the continent to the other; while the Indians and negroes would with better reason impatiently watch the opportunity of exterminating them altogether.' — Pinkerton, xiii. 752. Otis, one of the earliest and most considerable of the American patriots, wrote in 1765: 'God forbid these colonies should ever prove undutiful to their mother country. Whenever such a day shall come, it will be the beginning of a terrible scene. Were these colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion before little petty states could be settled.'—*Answer to the Halifax Libel*, p. 16.

[1] According to Grahame (iv. 125), in 1763 it contained upwards of 500,000 persons. The *North American Gazetteer* (2nd edit. 1778) estimates its population at upwards of 600,000.

influence of a great smuggling trade with the French West Indies, had all in their different ways impaired the old types of character. The Governments of three of the colonies were exceedingly democratic. In Massachusetts the Council or Upper Chamber, instead of being, as in most provinces, appointed by the Sovereign, was elected annually by the Lower Chamber; every town officer was annually chosen; all town affairs were decided in public meetings; the clergy were selected by their congregations, and, with the exception of a few Custom-house officers, the Crown officers were paid by the State. The Governor was appointed by the Crown, and he possessed a right of veto upon laws, and also upon the appointment of Councillors; but as his own salary and that of the whole Executive depended on the popular vote, and as the Council emanated directly from the representative body, his actual power was extremely small. The civil list allowed by the Assembly was precarious and was cut down to the narrowest limits. The Governor usually received 1,000*l.* English currency a year, but obtained some additional occasional grants. The Lieutenant-Governor received no salary as such, except during the absence of the Governor, and the office was therefore usually combined with some other. The judges had each only about 120*l.* sterling a year, with the addition of some fees, which were said not to have been sufficient to cover their travelling expenses.[1] The Attorney-General received no salary from the Assembly, as the Governor refused to recognise its claim to have a voice in his appointment. Rhode Island and Connecticut were even more democratic than Massachusetts. By the charters conceded to these colonies,

[1] *Reports of the Board of Trade on the Establishments in America* (1766). American Papers, MSS., Record Office. See, too, a letter of Hutchinson in the *American Remembrancer* 1776, part i. p. 159.

the freemen elected all their officers from the highest to the lowest, and they were not obliged to communicate the acts of their local legislatures to the King. Such a system had naturally led to grave abuses, and in Rhode Island especially there were loud complaints of the scandalous partiality of the judges and of the low prevailing tone of honesty and statesmanship.[1]

One of the most remarkable recent changes in New England manners was the extraordinary increase of litigation and the rapid growth in numbers and importance of the legal class. For a century and a half of colonial days there were but two lay presidents of Harvard College; nearly half the students were intended for some church ministry, and the profession of a lawyer was looked upon as in some degree dishonest and disreputable. It was rapidly rising, however, in New England as elsewhere, and it contributed more than any other profession to the Revolution.[2] Jefferson, Adams, Otis, Dickenson, and many other minor agents in the struggle

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[1] See the very unfavourable picture given by Burnaby; Pinkerton, xiii. 742, 743. Winterbotham's *Present Situation of the United States* (1795), ii. 236. Burke's *European Settlements in America*, ii. 300.

[2] See a curious passage in the Life of Adams prefixed to his *Familiar Letters to his Wife*, pp. x, xiv. Tucker says of America: 'In no country, perhaps, in the world are there so many lawsuits.' *Letter to Burke*, p. 26. So, too, Burke: 'In no country, perhaps, in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers. . . . I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations.'—*Speech on Conciliation with America*. See, too, Burke's *European Settlements in America*, ii. 304. The passion for the law steadily increased, and in 1787 Noah Webster wrote: 'Never was such a rage for the study of law. From one end of the continent to the other the students of this science are multiplying without number. An infallible proof that the business is lucrative.'—Webster's *Essays*, p. 116.

were lawyers. Another influence which did much to lower the New England character was the abundance of depreciated paper money. In 1750 the British Parliament granted a sum of money to reimburse Massachusetts for what it had expended more than its proportion towards the general expense of the war, and the Legislature of the province determined to redeem their paper, but to do so at a depreciated value, and only an ounce of silver was given for 50*s*. of paper, though the bills themselves promised an ounce for 6*s*. 8*d*. In 1751 the mother country was obliged to interpose to prevent the New Englanders from cheating their English creditors by making paper legal tender.[1]

Still with every drawback the bulk of the New Englanders were a people of strong fibre and high morals. Strictly Sabbatarian, rigidly orthodox, averse to extravagance, to gambling, and to effeminate amusements, capable of great efforts of self-sacrifice, hard, stubborn, and indomitably intractable, they had most of the qualities of a ruling race. The revival of Jonathan Edwards, the later preaching of Whitefield, and the numerous days of fasting or thanksgiving, had done something to sustain their fanaticism. A severe climate and long struggles with the French and the Indians had indurated their characters, and the common schools which had been established in the middle of the seventeenth century in every village had made a certain level of education universal. Their essentially republican religion, the traditions of their republican origin, and the republican tone of their manners, had all conspired to maintain among them a spirit of fierce and jealous independence. They had few manufactures.

[1] 24 Geo. II. c. 53. Another law to facilitate recovery of debts from America was made in 1732 (5 Geo. II. c. 7). See on this subject Tucker's *Letter to Burke*, pp. 29-31. Bolles' *Financial History of the United States*, pp. 29, 30.

Slavery, being unsuited to their soil and climate, had taken but little root, and there was said to be no other portion of the globe in which there was so little either of wealth or of poverty.[1] The bulk of the population were small freeholders cultivating their own land. By a somewhat singular anomaly, the democratic colony of Rhode Island, during nearly the whole of its colonial history, adopted the English law of real property with its system of entail and primogeniture; but in the other New England colonies the law favoured equal division, reserving, however, in the case of intestacy, a double portion for the elder son[2] Extreme poverty was unknown; yet Burke, who was admirably acquainted with American life, questioned whether there were two persons either in Massachusetts or Connecticut who could afford to spend 1,000*l.* a year at a distance from their estates.[3] Boston, at the time of the Peace of Paris, contained 18,000 or 20,000 inhabitants.[4] It was the great intellectual centre of the colonies, and five printing presses were in constant employment within its walls. It contained the chief distilleries in America; it was noted for its commerce, its shipbuilding, and its cod-fishery; and in 1763 no less than eighty New England vessels were employed in the whale fishery at the mouth of the St. Lawrence.[5] Boston, however, unlike most American towns, appears for a long time to have been almost stationary. The rise of New York,

[1] Winterbotham's *View of the United States*, ii. 3, 4.

[2] Story's *Constitution of the United States*, i. 90, 166.

[3] *Observations on the State of the Nation.*

[4] Burnaby in 1759 reckons the population of Boston at from 18,000 to 20,000. Pinkerton, xiii. 744. Adams in his Diary, *Works*, ii. 213, estimates it at 16,000. Winterbotham, some years after the Revolution, reckons it at 18,038. In the *North American Gazetteer*, it is placed as high as 30,000, but this is certainly an exaggeration.

[5] Grahame's *Hist.* iv. 129, 130. Burke's *European Settlements*, ii. 183.

Philadelphia, and other towns had diminished its prosperity, and the New England States were burdened by considerable natural disadvantages, and by the great weight of debt bequeathed from the war.

Among the Middle States the two provinces of New York and New Jersey still contained many families descended from the old Dutch settlers; but these were being rapidly lost in a very miscellaneous population. Twenty-one years before New York, or, as it was then called, New Amsterdam, fell into the hands of the English, it was computed that no less than eighteen different languages were spoken in or near the town,[1] and it continued under English rule to be one of the chief centres of foreign immigration. It was noticed during the War of Independence, that the political indifference of these colonies formed a curious contrast to the vehemence of New England,[2] and New York fluctuated more violently in its political attitude than any other colony in America. The town at the Peace of Paris was little more than half the size of Boston, but it was rapidly advancing in commercial prosperity, and large fortunes were being accumulated. In the country districts much of the simplicity and frugality of the old Dutch settlers survived; but the tone of manners in the town was less severe and more luxurious than in New England. There were but few signs of the theological intolerance so conspicuous in some of the older States, and very many religions, representing very many nationalities, subsisted side by side in apparent harmony. There was little intellectual life; education was very backward, and the pursuit of wealth appears to have been the absorbing passion.

The letters written by the Governor and Lieutenant-

[1] Tyler's *Hist. of American Literature*, ii. 206.

[2] Chastellux (Eng. trans.), *Travels in North America in 1780-1782*, ii. 180.

Governor to the home authorities in 1765 and the two following years give a curious, though perhaps somewhat overcharged picture, of the less favourable aspects of New York life. The most opulent men in the State had risen within a single generation from the lowest class. Few persons except lawyers had any tincture of literature, and lawyers under these circumstances had attained a greater power in this province than in any other part of the King's dominions. They had formed an association for the purpose of directing political affairs. In an Assembly where the majority of the members were ignorant and simple-minded farmers, they had acquired a controlling power; they knew the secrets of every family. They were the chief writers in a singularly violent press. They organised and directed every opposition to the Governor, and they had attained an influence not less than that of the priesthood in a bigoted Catholic country. There was a long and bitter quarrel about the position of the judges, one party wishing that they should hold their office during good behaviour, and should thus be beyond the control of the Executive or Home Government; the other party wishing that they should receive fixed and adequate salaries, instead of being dependent on the annual vote of the Assembly. The utmost annual sum the Assembly would vote for its Chief Justice was 300*l*. of New York currency, which was much less valuable than the currency of England. Legal decisions are said to have been given with great and manifest partiality. 'In the present state of our courts of justice,' wrote the Lieutenant-Governor, 'all private property for some years past, as well as the rights and authority of the King, are more precarious than can be easily imagined.' On one occasion the Chief Justice gave a judgment against a member of the Assembly; by the influence of that member his salary was reduced by 50*l*. In cases affecting the Revenue

Acts or the property rights of the Crown, the law was almost impotent, and the Governor vainly tried to obtain the right of appeal to an English court. Cases under 5*l.* in value were decided by the local magistrates; and as it was the custom for each member of the Assembly to have the nomination to all civil and military offices in his own county, the Commission of the Peace was the usual reward of electioneering services. Nothing was more common than to find petty cases decided in public-houses, by magistrates who were selected from the meanest and least respectable tradesmen, and who were sometimes so ignorant that they were obliged to put a mark instead of a signature to their warrants.[1]

By far the most important of the Middle States was the great industrial colony of Pennsylvania. A fertile soil, a great abundance of mineral wealth, a situation singularly favourable to commercial intercourse, and a population admirably energetic and industrious, had contributed to develop it, and it far surpassed all the other colonies in the perfection of its agriculture, and in the variety, magnitude, and prosperity of its manufactures. Its population at the time of the Declaration of Independence appears to have been about 350,000.

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[1] *Documents relating to the Colonial History of New York procured in Holland, England, and France*, vii. 500, 705, 760, 774, 796, 797, 906, 979. New York is described by most of the writers on America I have already quoted. J. Adams gives a very unfavourable picture of the manners of its inhabitants. He writes: 'With all the opulence and splendour of this city [New York] there is very little good breeding to be found. We have been treated with an assiduous respect, but I have not seen one real gentleman, one well-bred man, since I came to town. At their entertainments there is no conversation that is agreeable; there is no modesty; no attention to one another. They talk very loud, very fast, and all together. If they ask you a question, before you can utter three words of your answer they will break out upon you again and talk away.'—Adams' Diary, 1774. *Works*, ii. 353. On the condition of education in New York, see Tyler's *Hist. of American Literature*, ii. 206, 207.

The Quakers, who were its first colonists, now formed about a fifth part of the population, and still exercised the greatest power in the Assembly. Pennsylvania, however, rivalled or surpassed New York in its attraction to foreign immigrants, and few countries have contained so great a mixture of nationalities. The Germans were so numerous that they for some time returned 15 out of the 69 members of the Assembly.[1] Nearly 12,000 had landed in the single summer of 1749, and in the middle of the century a German weekly paper was published at Philadelphia.[2] There was also a large colony of Irish Presbyterians, who lived chiefly along the western frontier, and who had established a prosperous linen manufacture; and Swedes, Scotch, Welsh, and a few Dutch might be found among the inhabitants. The law of real property was nearly the same as in Massachusetts. There was perfect liberty, and the prevailing spirit was gentle, humane, pacific, and keenly money-making. The Quakers, though their distinctive character was very clearly imprinted on the colony, had found that some departure from their original principles was indispensable. A section of them, in flagrant opposition to the original tenet of their sect, contended that war was not criminal when it was strictly defensive. A long line of cannon defended the old Quaker capital against the French and Spanish privateers; and the Pennsylvanian Assembly, in which the Quakers predominated, repeatedly voted military aids to the Crown during the French wars, disguising their act by voting the money only 'for the King's use,' and on one occasion 'for the purchase of bread, flour, wheat, *or other grain*,' the latter being understood to be gunpowder.[3]

[1] Winterbotham, ii. 439.

[2] Kalm's *Travels in North America.* Pinkerton, xiii. 395, 396.

[3] Franklin's *Life*, pp. 148–155 Kalm's *Travels.* Pinkerton,

Philadelphia was probably at this time the most beautiful and attractive city in the American colonies; famous for its ship-building, for the great variety of its commerce, and for its very numerous institutions of benevolence and instruction. Burnaby, who visited it in 1759, was filled 'with wonder and admiration' at the noble city which had grown up where, eighty years before, the deer and the buffalo had ranged. He dilates upon the admirable lighting and paving of the streets, upon its stately town hall, upon its two public libraries, upon its numerous churches, almshouses, and schools; upon its market, which was 'almost equal to that of Leadenhall;' upon the crowd of ships that thronged its harbour. He estimated its population at 18,000 or 20,000, and he tells us that about twenty-five ships were annually built in its docks, and that many of its houses were let for what was then the very large sum of 100*l.* a year. It contained an opulent and brilliant, if somewhat exclusive society, with all the luxury of a European city. The gay profusion of flowers that were scattered through the houses; the rich orchards extending to the very verge of the town, and encircling every important dwelling; the aspect of well-being which was displayed in every class; the use of tea, which as early as 1750 was universal in every farmer's house;[1] the multiplication of country seats; the taste for lighter and more cheerful manners, which had sprung from contact with the English officers during the war; the periodical assemblies of gentlemen and ladies of the best society to pass the summer days in fishing upon the Schuylkill, diversified with music and with dancing—all bring

xiii. 391. As early as 1741, the Quaker, Thomas Chalkley, had lamented the falling away of Pennsylvanian Quakers in this respect. See his curious *Life, Travels, and Christian Experiences* (ed. 1850), pp. 362, 363.

[1] Kalm's *Travels*. Pinkerton, xiii. 494.

before us the picture of a State which was far removed from the simplicity, the poverty, and the austerity of its Quaker founders.[1]

To a European, however, or at least to a French taste, the tone of manners appeared formal and cumbrous. A brilliant Frenchman who visited Philadelphia during the War of Independence, complained with some humour that dancing, which in other countries was regarded as an emblem of gaiety and love, was treated in America as an emblem of legislation and marriage; that every detail of a ball was regulated beforehand with the most minute precision, and carried out with a stern severity; that each dancer was restricted to the same partner for the whole evening;[2] and that the almost endless succession of toasts that were rigidly enforced, made an American entertainment nearly intolerable to a stranger. He noticed, too, the significant manner in which, in the absence of titles, precedence had come to be determined by wealth.[3] A curious relic of a standard of commercial integrity which had long since passed away, survived in the middle of the century in the custom of 'marriage in the shift.' When a man died leaving debts which his widow was unable to pay, she was obliged, if she con-

[1] Burnaby's *Travels*. See, too, Kalm's *Travels*, ten years earlier, and the *North American Gazetteer*, arts. 'Pennsylvania' and 'Philadelphia.' There is a very graphic description of Philadelphia, evidently by an eye-witness, in that curious book, the *Life of Bampfylde Moore Carew*, published in 1749, 1750.

[2] The same custom, however, appears to have prevailed in England. Junius, in one of his private letters to Wilkes, alludes to it. 'I appeal to Miss Wilkes, whose judgment I hear highly commended, would she think herself much indebted to her favourite admirer if he forced a most disagreeable partner upon her, for a long winter's night, because he would not dance with her himself?' See on this custom the remarks of Twisleton, Twisleton and Chabot's *Handwriting of Junius*, p. 235.

[3] Chastellux's *Travels*, i. 278.

tracted a second marriage, to leave her clothes in the hands of the creditors, and to go through the ceremony in her shift. Gradually, however, the ceremony was mitigated by the bridegroom lending her clothes for the occasion.[1] The conflicts with the proprietary government turned chiefly upon the question of how far the proprietary estates might be submitted to taxation, and the decision of the mother country was given in favour of the colonists. The conflict was especially violent on account of the peculiarity of the Pennsylvanian Government, which consisted only of two parts, a governor and a representative chamber, while in the other colonies the council or upper chamber acted the part of a mediator or umpire. A Council existed, it is true, in Pennsylvania, but it had no legislative power, and was restricted to the function of advising the Executive. The proprietary government was both weak and unpopular; and Pennsylvania, like most other colonies, was disturbed by many outbreaks of lawless violence.

The only other colony which it is necessary particularly to notice on account of the part which it played in the Revolution, is Virginia, the oldest of the charter colonies—the colony of Washington, Jefferson, Patrick Henry, the Randolphs, and the Lees. At the Peace of Paris, in 1763, it appears to have contained about 200,000 inhabitants, the large majority being slaves,[2] and its character was wholly different from the Puritan type of New England and from the industrial type of Pennsylvania. The Church of England was here the dominant religion, and it was established by law. There was a fixed revenue for the support of the civil establishments, derived partly from Crown quit rents, and partly from a duty on tobacco, which had been granted

[1] Kalm. Pinkerton, xiii. 512.

[2] Compare, on the population of Virginia, Burnaby; Pinkerton, xiii. p. 711; Grahame, iv. 122; Winterbotham.

for ever. A system of entails subsisted which was even stricter than that in England, and it concurred with the conditions of slave labour and with the nature of the soil to produce a much more unequal distribution of property than in the Northern colonies. The Ulster Presbyterians, who had penetrated largely into Massachusetts, Pennsylvania, Maryland, and North Carolina, had formed a considerable settlement on the northern and western frontiers of Virginia, and a few French refugees were also established in the colony, but over the greater part of it the English element was in the free population almost unmixed. Education in general was very backward. There were scarcely any manufactures, and there was but little town life. Wheat was produced in abundance, and the tobacco of Virginia and of the adjoining colony of Maryland was long esteemed the finest in the world. Four great navigable rivers enabled the planters to load their ships before their own doors at distances of more than eighty miles from the sea; and in 1758, 70,000 hogsheads of tobacco were exported from Virginia.[1] After this time the tobacco culture seems to have somewhat dwindled, under the rising competition of Georgia and of the western country along the Mississippi.

The management of the colony was chiefly in the hands of great planters, some of them descended from Cavaliers who had emigrated during the troubles of the Commonwealth. They were a high-spirited and haughty class, extremely tenacious of social rank, hospitable, convivial, full of energy and courage, and as essentially aristocratic in their feelings, if not in their manners, as the proudest nobility of Europe. They resented bitterly the entry during the Revolution war of new families into power, and it was noticed that the popu-

[1] Winterbotham, iii. 112.

lar or democratic party in this province showed more zeal in breaking down precedence than in combating the English.[1] A great portion of the colony was absolutely uncultivated and uncleared,[2] but large landed properties gave so much social consequence that they were rarely broken up, though they were usually very heavily encumbered by debts. In Virginia, as in the other colonies, there were some yeomen, but this class can never flourish where slavery exists, and there was an idle, dissipated, indebted, and impoverished population, descended in a great degree from younger sons of planters, who looked with contempt on manual labour, and who were quite ready to throw themselves into any military enterprise. A traveller from Europe, after passing through the greater part of the colonies, noticed that in Virginia, for the first time, he saw evidence of real poverty among the whites.[3] The upper classes were keen huntsmen; among all classes there was much gambling and an intense passion for horse-racing, and even in districts where there were no public conveyances and no tolerable inns, great crowds from distances of thirty or forty miles were easily collected by a cock-fight.[4] Among the lower class of whites there was a great brutality of manners, and they were especially noted for their habit of 'gouging' out each other's eyes in boxing matches and quarrels.[5] 'Indians and negroes,' a traveller observed, 'they scarcely consider as of the human species.' Acts of violence, and even murder, of which they were the victims, were never

[1] Chastellux, ii. 189.

[2] Noah Webster, who was one of the best of the early economists of America, wrote in 1790: 'In Virginia and Maryland I should question whether a tenth of the land is yet cultivated. In New England more than half the whole is cultivated, and in Connecticut scarcely a tenth remains in a wild state.'—Webster's *Essays*, p. 365.

[3] Chastellux, ii. 190.

[4] Ibid. pp. 28, 29.

[5] Ibid. pp. 192, 193.

or scarcely ever punished, and no negro was suffered to give evidence in a court of law except at the trial of a slave for a capital offence.[1] Virginia, however, was a great breeding country for negroes, and chiefly, perhaps, for this reason they are said to have been treated there with somewhat less habitual cruelty than in the West Indies.[2]

Burke has very truly said that slave-owners are often of all men the most jealous of their freedom, for they regard it not only as an enjoyment but as a kind of rank; and it may be added that slavery, when it does not coexist with a thoroughly enervating climate, is exceedingly favourable to the military qualities, for by the stigma which it attaches to labour, it diverts men from most peaceful and industrial pursuits. Both of these truths were exemplified in Virginia, which produced a very large proportion of the most prominent advocates of independence, while it was early noted for the efficiency of its militia.[3] Virginia always claimed to be the leading as well as the oldest colony in America, and though its people were much more dissipated and extravagant than those of the Northern colonies, the natural advantages of the province were so great, and the tobacco crop raised by the negroes was so valuable, that in the ten years preceding 1770 the average value of the exports from Virginia and Maryland exceeded by considerably more than a third the united exports of the New England colonies, New York and Pennsylvania.[4] A large number of the planters appear to have

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[1] Burnaby. Pinkerton's *Voyages*, xiii. 714, 715.

[2] Chastellux, ii. 193–195. There is an excellent description of Virginian society in Wirt's *Life of Patrick Henry.* See, too, Grahame, iv. 122–124. Webster's *Essays*, pp. 361–364. Story's *Constitution of the United States*, i. 29–33.

[3] Sparks' *Life of Washington.* Washington's *Works*, i. 133.

[4] Hildreth, ii. 559.

been warmly attached to England, but much discontent was produced by the interference of the mother country in the quarrel, to which I have already referred, between the laity and the clergy of this State. The sixty or seventy clergymen of the Established Church received, in addition to a house and to some glebe lands, an annual stipend in the form of tobacco, which was delivered to them packed in hogsheads for exportation at the nearest warehouse. In a year when the tobacco crop failed, the Assembly passed a law obliging the clergy to receive their stipends in money instead of tobacco, and enforced it without waiting for the royal assent. The clergy complained that no allowance having been made for the low price of tobacco in good years, it was unfair that they should be deprived of the benefit of its high price in a bad year, and they sent over an agent to England and induced the English Government to disallow the law. Actions were brought by the clergy to recover the sums out of which they had been defrauded, but although the law was indisputably on their side they found it impossible to obtain verdicts from Virginian juries. It was in pleading against them that Patrick Henry, the greatest of American orators, first exhibited his eloquence and his antipathy to England. He had been successively a storekeeper, a farmer, and a shopkeeper, but had failed in all these pursuits, had become bankrupt, and at last, with a very tarnished reputation, had entered the law courts, where he soon displayed a power of popular eloquence which had never yet been equalled, or perhaps approached, in America. He openly told the juries that the act of the English Government in disallowing the proceedings of the Virginian Assembly was an instance of tyranny and misgovernment that dissolved the political compact, and speaking in a popular cause he created so fierce a spirit in the colony that the clergy gave up all attempts to

obtain what was due to them.[1] In addition to this passing quarrel, there was a more chronic source of anti-English feeling in Virginia in the commercial restrictions which prevented the planters from sending their tobacco to foreign countries.

It is not necessary to pursue further a description of the Southern colonies. Maryland in soil, produce, and social condition greatly resembled Virginia, but properties were smaller; a few rich Roman Catholics might still be found among the landowners,[2] and the colony was full of convicts, who were brought there in great numbers from England, and sold as slaves to the planters. In Maryland the same law of real property prevailed as in Massachusetts and Pennsylvania, but in all the other Southern colonies the English law, with its tendency to favour great agglomerations of land, was maintained.[3] In the vast provinces of Carolina the

[1] Burnaby. Pinkerton, xiii. 712–714. Wirt's *Life of Henry*.

[2] Adams mentions in 1774 a Catholic gentleman named Carroll (one of the signers of the Declaration of Independence) who lived at Annapolis, in Maryland, as a man of the first fortune in America. 'His income is 10,000*l.* a year now, will be 14,000*l.* in two or three years they say; besides, his father has a vast estate which will be his.'—Adams' *Works*, ii. 380.

[3] Story's *Constitution of the United States*, i. 165, 166. In 1777 Adams writes that in Maryland 'they have but few merchants. They are chiefly planters and farmers; the planters are those who raise tobacco, and the farmers such as raise wheat, &c. The lands are cultivated and all sorts of trades are exercised by negroes or by transported convicts, which has occasioned the planters and farmers to assume the title of gentlemen, and they hold their negroes and convicts —that is, all labouring people and tradesmen—in such contempt, that they think themselves a distinct order of beings. Hence they never will suffer their sons to labour or learn any trade, but they bring them up in idleness or, what is worse, in horse-racing, cock-fighting, and card-playing. . . . The object of the men of property here, the planters, &c., is universally wealth. Every way in the world is sought to get and save money; land jobbers, speculators in land; little generosity to the public, little public spirit.'—Adams' *Works*, ii. 436.

climate was more enervating and the proportion of negroes was much larger than in Virginia, and there were greater contrasts of wealth and poverty than in any other parts of British America. Georgia and Florida were too undeveloped to have much political or intellectual influence. Through the whole of the Southern colonies there was much less severity of religious orthodoxy, less energy and moral fibre, less industrial, political, and intellectual activity than in the North, and a much greater tendency both to idleness and to amusement. Charleston is said, of all the American towns, to have approached most nearly to the social refinement of a great European capital.

In general, however, the American colonies had attained to great prosperity and to a high level of civilisation. Burnaby noticed that in a journey of 1,200 miles through the Northern and Central colonies he had not met with a single beggar.[1] Domestic wages were much higher,[2] and farmers and farm-labourers incomparably more prosperous than in England or in any other part of Europe. 'The Northern yeomanry,' wrote an American economist at a time when America can have done little more than recover from the losses of the War of Independence, 'not only require more clothing than the Southern, but they live on expensive food and drinks. Every man, even the poorest, makes use of tea, sugar, spirits, and a multitude of articles which are not consumed by the labourers of any other country. . . . Most of the labouring people in New England eat meat twice a day, and as much as their

[1] Pinkerton's *Voyages*, xiii. 750.

[2] Ibid. xiii. 500. It must be remembered, however, that the slaves in America were not only negroes and convicts. Many of the poor emigrants from Europe sold themselves to the planters for a term of years, and sometimes in this way paid their passage.

appetites demand.' Owing to the admirable parish libraries, there were New England parishes 'where almost every householder has read the works of Addison, Sherlock, Atterbury, Watts, Young, and other similar writings, and will converse handsomely on the subjects of which they treat;'[1] and Boston, New York, Philadelphia, and Charleston, would in almost all the elements of civilisation have ranked high among the provincial towns of Europe. When Kalm visited Canada in 1750, he found that there was not a single printing press in the whole territory possessed by the French,[2] but before that time most of the more important British colonies possessed a newspaper, and by the close of 1765 at least forty-three newspapers are said to have been established in America.[3] There were seven important colleges,[4] and there were at least four literary magazines.[5]

In New England, education was always conducted at home, but in the Southern and some of the Middle colonies the rich planters were accustomed to send their sons for education to England.[6] In these States education was almost a monopoly of the rich; schoolmasters were despised, and schools were extremely rare. Martin, the last royal governor in North Carolina, stated that in his time there were only two schools in the whole colony.[7] In the first thirty years of the eighteenth century there was but one grammar school, in the next forty years there were but three in the great province of South Carolina.[8] Noah Webster mentions

[1] Webster's *Essays*, pp. 339, 366. This was published in 1790.

[2] Pinkerton, xiii. 660.

[3] Tyler's *Hist. of American Literature*, ii. 304. Miller, however, gives a much lower estimate (*Retrospect of the Eighteenth Century*, iii. 90-92).

[4] Harvard, William and Mary, Yale, New Jersey, King's, Philadelphia, and Rhode Island.

[5] Tyler, ii. 305, 306.

[6] Miller, iii. 191, 192, 194.

[7] See Sabine's *American Loyalists*, p. 35.

[8] Miller's *Retrospect*, iii. 230.

that he once saw a copy of instructions given to a representative of Maryland by his constituents, and he found that out of more than a hundred names that were subscribed, 'three-fifths were marked by a cross because the men could not write.' He ascertained in 1785 that the circulation of newspapers in the single New England State of Connecticut was equal to that in the whole American territory south of Pennsylvania,[1] and he has recorded the extraordinary fact that in some parts of the colonies the education of the young was frequently confided to the care of purchased convicts.[2] All the great seminaries of learning lay in the Northern and Middle colonies and in Virginia, and the English education of the rich planters of the South had greatly coloured their political opinions. At the same time they formed the more important part of the very small leisure class which existed in America; and it is a remarkable fact that the Southern colonies, though in general far behind the Northern ones, produced no less than five out of the first seven presidents of the United States.

In the Northern colonies, on the contrary, education was both very widely diffused and very equal. The average was exceedingly high, but there were no eminences. The men were early devoted to money-making, but it was noticed that there was a general ambition to educate women above their fortunes, and that in some towns there were three times as many 'genteelly bred' women as men.[3] The absence of any considerable leisure

[1] Webster's *Essays*, 338, 360.

[2] 'The most important business in civil society is in many parts of America committed to the most worthless characters. . . . Education is sunk to a level with the most menial services. . . . Will it be denied that before the war it was a frequent practice for gentlemen to purchase convicts who had been transported for their crimes and employ them as private tutors in their families?'—Ibid. pp. 17–19. See, too, pp. 55, 338.

[3] Ibid. p. 30.

class, the difficulty of procuring books,[1] and especially the intensely commercial and money-making character of the colonists, were fatal to original literature; and, except for a few theological works, American literary history before the middle of the eighteenth century would be almost a blank. Berkeley wrote his 'Alciphron' and his 'Minute Philosopher' in Rhode Island; but the first native writer of real eminence was Jonathan Edwards, who was born in 1703. He was soon followed by Benjamin Franklin, who in literature, as in science, took a place among the greatest of his contemporaries. Rittenhouse, who was born near Philadelphia in 1732, attained some distinction in astronomy; and among the Americans who sought a home in England were the painters Copley and West, and the grammarian Lindley Murray. Several of those noble public libraries which are now one of the great glories of America had already arisen; the first circulating library was established at Philadelphia in 1731,[2] and between 1763 and 1770 a medical school was founded in the same city, and courses of lectures were for the first time given on anatomy, on the institutes of medicine, on the Linnæan system of botany, and on the discoveries of Lavoisier in chemistry.[3]

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[1] In that curious book, the *Life of Bampfylde Moore Carew*, which was published in 1749, and which shows great personal knowledge of America, it is said: 'There are five printing houses [in Boston], at one of which the *Boston Gazette* is printed, and comes out twice a week. The presses here are generally full of work, which is in a great measure owing to the colleges and schools for useful learning in New England, whereas at New-York there is but one little bookseller's shop, and none at all in Virginia, Maryland, Carolina, Barbadoes, or any of the sugar islands,' p. 199. As late as 1760 it is said that 'there were no Greek types in the country, or if there were that no printer knew how to set them.'—Tudor's *Life of Otis*, p. 16.

[2] Franklin's *Life*, p. 99.

[3] Miller's *Retrospect of the Eighteenth Century*, iii. 236, 237, 282. This book contains

The moral and political aspect of the country presented a much more blended and doubtful picture, and must have greatly perplexed those who tried to cast the horoscope of America. Nations are essentially what their circumstances make them, and the circumstances of the American colonists were exceedingly peculiar. A country where so large a proportion of the inhabitants were recent immigrants, drawn from different nations, and professing various creeds; where, owing to the vast extent of territory and the imperfection of the means of communication, they were thrown very slightly in contact with one another, and where the money-making spirit was peculiarly intense, was not likely to produce much patriotism or community of feeling. On the other hand, the same circumstances had developed to an almost unprecedented degree energy, variety of resource, independence of character, capacity for self-government. In a simple and laborious society many of the seed-plots of European vice were unknown. Small freeholders cultivating their own lands were placed under conditions very favourable to moral development, and the wild life of the explorer, the pioneer, and the huntsman gave an unbounded scope to those superfluous energies which become so dangerous when they are repressed or misdirected. Beliefs that had long been waning in Europe retained much vigour in the colonies, and there were little sects or societies which represented the fervour and purity of the early Christians perhaps as perfectly as anything upon earth. Travellers noticed that, except where slavery had exercised its demoralising influence, the intercourse between the sexes was singularly free and at the same time singularly pure.[1] There was

an admirable account of the early intellectual history of the colonies. See, too, Hildreth's *Hist. of the United States*, ii. 513.

[1] Chastellux, i. 153, 154. *Mémoires de Lafayette*, i. 25. See,

a great simplicity and freshness of character, a spirit of warm hospitality, a strong domestic feeling. Political corruption, which was the great cancer of English life, was almost unknown, though there were serious scandals connected with the law courts, and though the level of commercial integrity was probably lower than in England. A large proportion of the men who played a conspicuous part in the events to be recorded, were men of high private morals, simple, domestic, honourable, and religious. When the conflict with England became inevitable, one of the first proceedings of the different States was to appoint days of humiliation and prayer, and Washington notes in his private diary how on this occasion he 'went to church and fasted all day.' The most stringent rules were made in the American camp to suppress all games of chance and to punish all profane language. John Adams, recounting week after week in his diary the texts of the sermons he had heard, and his estimate of the comparative merits of the preachers, when he was leading the popular party in the very agony of the struggle for the independence of America, is a typical example of a class of politicians strangely unlike the revolutionists of Europe.

The most serious evil of the colonies was the number and force of the influences which were impelling large classes to violence and anarchy, brutalising them by accustoming them to an unrestrained exercise of power, and breaking down among them that salutary respect for authority which lies at the root of all true national greatness. The influence of negro slavery in this respect can hardly be overrated, and in the slave States a master could commit any act of violence and outrage on a negro with practical impunity.

too, the very engaging picture of Pennsylvanian morals and manners in the *Mémoires du Comte de Ségur*.

The relations of the colonists to the Indian tribes were scarcely less demoralising. White men planted among savages and removed from the control of European opinion seldom fail to contract the worst vices of tyrants.

The voluminous and very copious despatches of Sir W. Johnson and of Mr. Stuart, who during many years had the management of Indian affairs, are, on the whole, extremely creditable to the writers. They show that the Government laboured with great humanity, equity, and vigilance to protect the rights of the Indians, but they also show that they had to encounter insuperable difficulties in their task. The Executive was miserably weak. There were usually no troops within reach. Juries in Indian cases could never be trusted, and public opinion on the frontier looked upon Indians as little better than wild beasts. The French had in this respect succeeded much better. The strong Executive of Canada guarded the Indians effectually from depredations, restricted commercial dealings with them to the better class of traders, and attached them by a warm feeling of gratitude. But the despatches of Johnson and Stuart are full of accounts of how the English settlers continually encroached on the territory which was allotted by treaty to the Indians; how the rules that had been established for the regulation of the Indian trade were systematically violated; how traders of the lowest kind went among the savages, keeping them in a state of continual drunkenness till they had induced them to surrender their land; how the goods that were sold to Indians were of the most fraudulent description; how many traders deliberately excited outrages against their rivals; how great numbers of Indians who were perfectly peaceful, and loyal to the English, were murdered without a shadow of provocation; and how these crimes were

perpetrated without punishment and almost without blame.[1]

A few voices were no doubt raised in the colonies on their behalf. Franklin wrote with honest indignation denouncing some horrible murders that had been perpetrated in Pennsylvania. The Quakers were usually noted for their righteous dealing with the Indians. John Eliot in the seventeenth century, and Brainerd in the eighteenth century, had laboured with admirable zeal for the conversion of the Indians, and the Society for the Propagation of the Gospel had planted several missionary stations among them. In general, however, the French missionaries were far more successful. This was partly, no doubt, owing to their creed, for Catholicism, being a highly pictorial, authoritative, and material religion, is much more suited than Protestantism to influence savages and idolaters; but much also depended on the great superiority of the Catholic missionaries in organisation, education, and even character. The strange spectacle was often shown of Presbyterians, Baptists, and Anglicans contending in rivalry for converts. New England Puritans tried to persuade their converts that their dances, their rejoicings at marriages, and their most innocent amusements were wrong. Many missionaries were absolutely unacquainted with the language of those to whom they preached, and they had no interpreters except ignorant backwoodsmen.[2] It is

[1] Letters on Indian affairs form a very large proportion of the papers (Plantations, General) on America in the Record Office. The most valuable have been printed in the admirable collection of *Documents relative to the Colonial History of New York*, published by order of the Legislature of that State. See e.g. vol. vii. pp. 602, 637-641, 837, 838, 946-948, 953 977.

[2] Ibid. vii. 969, 970. Sir W. Johnson mentions that he was himself present when one of the missionaries, preaching to the Indians, 'delivered as his text, "For God is no respecter of persons," and desired it to be explained to them; the interpreter (though the best in that country) told the Indians that "God had

a significant fact that in the French war the Indians were usually on the side of the French, and in the War of Independence on the side of the Government, and the explanation is probably chiefly to be found in the constant and atrocious outrages which they endured from the American traders.

To these elements of anarchy must be added the enormous extent of smuggling along the American coast, and also the extreme weakness of the Government, which made it impossible to enforce any unpopular law or repress any riot. There was no standing army, and the position of the governors was in several States one of the most humiliating dependence. In the four New England States, in New Jersey, and in New York, all the executive and judicial authorities depended mainly or entirely for their salaries upon an annual vote of the Assembly, which was at all times liable to be withdrawn or diminished. It was not possible under such circumstances that any strong feeling of respect for authority could subsist, and the absence of any great superiority either in rank or in genius contributed to foster a spirit of unbounded self-confidence among the people.

The relation of this great, rising, and civilised community to the parent State was a question of transcendent importance to the future of the Empire. The general principle which was adopted was, that each colony should regulate with perfect freedom its local affairs, but that matters of imperial concern, and especially the commercial system, should remain under the control of the Imperial Parliament. The common law and the

no love for such people as them," on which I immediately stopped him and explained the text, as I did the rest of his discourse, to prevent farther mistakes; had I not been present the error must have passed, and many more might have been committed in the course of the sermon.'

statute law, as far as they existed before the colonisation, were extended to the colonies, but the relation of the colonial legislatures to the Government at home was not very accurately defined. The original charters, while authorising them to levy taxes and make laws for the colonies, had declared that the colonists should be deemed natural-born English subjects, and should enjoy all the privileges and immunities thereof; that the laws of England, in so far as they were applicable to their circumstances, should be in force in the colonies, and that no law should be made in the colonies which was repugnant or did not, 'as near as may be conveniently,' conform to the laws of England. A statute of William provided that all colonial laws which were repugnant to laws made in England, 'so far as such law shall relate to and mention the said plantations, are illegal, null, and void.'[1]

These restrictions are of a very vague description, and, as is often the case in English law, the meaning was determined more by a course of precedents than by express definition. Great remedial measures, guaranteeing the rights of subjects, such as the Great Charter or the Habeas Corpus Act, were in full force in the colonies; but the colonial legislatures, with the entire assent of the Home Government, assumed the right of modifying almost every portion both of the common and of the statute law, with a view to their special circumstances. The laws relating to real property, the penal code, and the laws relating to religious belief, were freely dealt with, and it became a recognised principle that the colonies might legislate for themselves as they pleased, provided they left untouched allegiance to the Crown and Acts of the English Parliament in which they were expressly mentioned.

[1] 7 and 8 William III. cap. 22. Story's *Constitution of the United States*, i. 139, 147-149.

The scope of the Act of William establishing this latter restriction was also determined by precedent. The theory of the English Government was, that Parliament had by right an absolute and unrestricted power of legislation over the dependencies of England. The colonies were of the nature of corporations which lay within its supreme dominion, but which were entrusted with certain corporate powers of self-government. In an early period of colonial history this theory had been contested in the colonies, and especially in Massachusetts; and it had been contended that the colonies, having been founded in most instances without any assistance from the Home Government, and having received their charters from the Sovereign, and not from the Parliament, were in the position of Scotland before the Union, bound in allegiance to the King, but altogether independent of the English Parliament. This theory, however, was inconsistent with the whole course of English legislation about the colonies, with the terms of the charters, and with the claims of the colonists to rights that were derived exclusively from English law. It was not within the prerogative of the Sovereign either to emancipate English subjects by charter from the dominion of Parliament, or to confer upon aliens the character of Englishmen. The claim to be beyond the jurisdiction of Parliament was accordingly soon dropped by the colonists; and, although it revived at the era of the Revolution, we find Massachusetts in 1757, 1761, and 1768, acknowledging, in the most explicit and emphatic terms, the right of the English Parliament to bind the colonies by its Acts.[1]

The only modern Acts of Parliament, however, which were esteemed binding were those in which the colonies were expressly mentioned; and these Acts dealt with

[1] Story's *Constitution of the United States*, i. 174.

them, not as separate units, but as integral parts of one connected Empire. It was the recognised right of Parliament to establish a uniform commercial system, extending over the whole Empire, and binding every portion of it. There were also some matters which were mainly, if not exclusively, of colonial interest, on which Parliament undertook to legislate, and its authority was submitted to, though not without some protest and remonstrance. It was sometimes necessary to establish a general regulation binding on all the colonies; and as there existed no general or central colonial government, it devolved upon the Imperial Parliament to enforce it. On this principle Parliament introduced the English Post-office system into the colonies, determined the rates of postage, regulated the currency, created new facilities for the collection of debts, established a uniform law of naturalisation, and even legislated about joint-stock companies.[1]

The relation of the colonial governments to the Crown varied in some degree in the different colonies. As a general rule the Governor and the Council represented the royal authority, and, except in the case of the three colonies of Connecticut, Rhode Island, and Maryland, the Crown had a right of disallowing laws which had passed through all their stages in America.[2] The royal veto had fallen into complete disuse in England, but in the case of colonial legislation it was still not unfrequently employed. With the exception, however, of measures relating to commerce, colonial Acts were rarely or never annulled, except when they tended to injure or oppress some class of colonists. As the Governor was usually paid by an annual vote of the Assembly, and as he had very little patronage to dispose of, the Executive in the colonies was extremely

[1] Hildreth, ii. 517. [2] Story, i. 158.

weak, and the colonists, in spite of the occasional exercise of the royal veto, had probably a much more real control over legislation than the people of England. Trial by jury, both in civil and criminal cases, was as universal as in England; but an appeal lay from all the highest courts of judicature in the colonies to the King in Council.

There were assuredly no other colonies in the world so favourably situated. They had, however, before the passing of the Stamp Act, one real and genuine grievance, which was already preparing the way to the disruption of the Empire. I have already in a former volume enumerated the chief restrictions of the commercial code; but it is so important that the true extent of colonial grievances should be clearly understood, that I trust the reader will excuse some repetition in my narrative. The colonies were not, like Ireland, excluded from the Navigation Act, and they had no special reason to complain that their trade was restricted to vessels built either in England or in the plantations, and manned to the extent of two-thirds of their crew by British subjects. In this respect they were on an exact level with the mother country, and the arrangement was supposed to be very beneficial to both. It was, however, undoubtedly a great evil that the colonists were confined to the British dominions for a market for their tobacco, cotton, silk, coffee, indigo, naval stores, skins, sugar, and rice,[1] as well as many less important articles; that they were prohibited from carrying any goods from Europe to America which had not first been landed in England, and that every form of colonial manufacture which could possibly compete with the manufactures of England was deliberately

[1] The law about the last three articles varied. They were sometimes among the enumerated, sometimes among the unenumerated articles.

crushed. In the interest of the English wool manufacture they were forbidden to export their own woollen goods to any country whatever, or even to send them from colony to colony. In the interests of English iron merchants they were forbidden to set up any steel furnaces or slitting mills in the colonies. In the interest of English hatters they were forbidden to export their hats, or even to send them from one colony to another, and serious obstacles were thrown in the way of those who sought to establish a manufacture for purely home consumption. In the interest of the English sugar colonies, the importation of sugar, molasses, and rum from the French West India islands, which was of extreme importance to the New England colonies, was virtually forbidden. Every act of the colonial legislatures which sought to encourage a native or discourage an English branch of trade, was watched with jealous scrutiny. Thus in 1761 the Assembly of South Carolina, being sensible of the great social and political danger arising from the enormous multiplication of negroes in the colony, passed a law imposing a heavy duty upon the importation of slaves; but as the slave trade was one of the most lucrative branches of English commerce, the law was rescinded by the Crown. In the same year instructions were sent to the Governor of New Hampshire to refuse his assent to any law imposing duties on negroes imported into the colonies.[1]

There is, no doubt, much to be said in palliation of the conduct of England. If Virginia was prohibited from sending her tobacco to any European country except England, Englishmen were also prohibited from purchasing any tobacco except that which came from America or Bermuda. If many of the trades and manufactures in which the colonies were naturally most

[1] Grahame, iv. 79.

fitted to excel were restricted or crushed by law, English bounties encouraged the cultivation of indigo and the importation into England of pitch, tar, hemp, flax, and ship timber from America, and several articles of American produce obtained a virtual monopoly of the English market by their exemption from the duties which were imposed on similar articles imported from foreign countries. If the commercial system diminished very seriously the area of profitable commerce that was open to the colonies, it at least left them the elements of a great national prosperity. The trade with England and the trade with the English West Indies were large and lucrative, and the export trade to foreign countries was only prohibited in the case of those articles which were enumerated in the Navigation Act. Among the non-enumerated articles were some of the chief productions of the colonies—grain of all kinds, salted provisions, timber, fish, and rum; and in all these articles the colonists were suffered to trade with foreign nations without any other restriction than that of sending them in ships built and chiefly manned by British subjects. They were, however, forbidden, in the ordinary state of the law, to send salted provisions or any kind of grain except rice to England. The prohibition of the extremely important trade with the French West Indies was allowed, with the tacit connivance of the Government, to become for a long time little more than a dead letter. The provision which prevented the colonists from receiving any European goods except direct from England was much mitigated before 1763, and to some extent after that date, by the system of drawbacks freeing these goods from the greater part of the duties that would have been paid in England, so that many continental goods were actually sold more cheaply in America than in England. It was a great grievance and absurdity that, for the

sake of a few Portugal merchants in London who charged a commission on the goods that passed through their hands, the colonists were forbidden to import directly wine, oil, and fruit from Portugal, and were obliged to send them the long journey to England, to be landed there, and then reshipped for America. But in practice this rule was somewhat mitigated, and American ships carrying fish to Portugal were tacitly allowed to bring back small quantities of wine and fruit as ship stores.[1]

It is a gross and flagrant misrepresentation to describe the commercial policy of England as exceptionally tyrannical. As Adam Smith truly said, 'Every European nation had endeavoured more or less to monopolise to itself the commerce of its colonies, and upon that account had prohibited the ships of foreign nations from trading to them, and had prohibited them from importing European goods from any foreign nation;' and 'though the policy of Great Britain with regard to the trade of her colonies has been dictated by the same mercantile spirit as that of other nations, it has, upon the whole, been less illiberal and oppressive than that of any of them.'[2] Even France, which was the most liberal of

[1] *Letters of Governor Bernard on the Trade and Government of America*, p. 4. See, too, Franklin's *Causes of American Discontents before* 1768. *Works*, iv. 250, 251. *Wealth of Nations*, book iv. ch. iv., vii.

[2] *Wealth of Nations*, book iv. ch. vii. See, too, Gentz *On the State of Europe before and after the French Revolution* (English trans.), pp. 295–308. 'Ever since the discovery of America,' says Dean Tucker, 'it has been the system of every European Power which had colonies in that part of the world, to confine (as far as laws can confine) the trade of the colonies to the mother country. . . . Thus the trade of the Spanish colonies is confined by law to Old Spain, the trade of the Brazils to Portugal, the trade of Martinico and the other French colonies to Old France, and the trade of Curaçoa and Surinam to Holland. But in one instance the Hollanders make an exception (perhaps a wise one), viz. in the case of Eustatia, which is open to all the world.' —Tucker's *Four Tracts*, p. 133.

continental nations in her dealings with her colonies, imposed commercial restrictions more severe than those of England. Not only was the trade of French Canada, like that of British America, a monopoly of the mother country; it was not even open without restriction to Frenchmen and to Canadians, for the important trade in beavers belonged exclusively to a company in France, and could only be exercised under its authorisation.[1]

Still, when every allowance has been made, it is undoubtedly true that the commercial policy of England had established a real opposition of interest between the mother country and her colonies; and if the policy which was the proximate cause of the American Revolution was chiefly due to the King and to the landed gentry, the ultimate cause may be mainly traced to the great influence which the commercial classes possessed in British legislation. The expulsion of the French from Canada made it possible for the Americans to dispense with English protection. The commercial restrictions alone made it their interest to do so. If the 'Wealth of Nations' had been published a century earlier, and if its principles had passed into legislation, it is quite possible that the separation of England and her colonies might have been indefinitely adjourned. A false theory of commerce, then universally accepted, had involved both the mother country and her colonies in a web of restrictions which greatly retarded their development, and had provided a perpetual subject of irritation and dissension. The Custom-house and revenue officers, unlike other officials in America, were not paid by the local legislatures. They were appointed directly by the Crown or by the governors, and in America as in England cases of revenue fraud might by means of the Admiralty Court be tried without the

[1] Kalm. Pinkerton's *Voyages*, xiii. 700.

intervention of a jury. Smuggling was very lucrative, and therefore very popular, and any attempt to interfere with it was greatly resented.

The attention of the British Government was urgently called to it during the war. At a time when Great Britain was straining every nerve to conquer Canada from the French, when the security of British America was one of the first objects of English policy, and when large sums were remitted from England to pay the colonies for fighting in their own cause, it was found that the French fleets, the French garrisons, and the French West India islands, were systematically supplied with large quantities of provisions by the New England colonies. The trade was carried on partly by ordinary smuggling and partly under the cover of flags of truce, granted ostensibly for the exchange of prisoners, and large numbers of persons, some of them, it is said, high in official life, connived and participated in it. Pitt, who still directed affairs, wrote with great indignation that this trade must at all hazards be suppressed; but the whole mercantile community of the New England seaports appears to have favoured or partaken in it, and great difficulties were found in putting the law into execution. The smuggling was even defended with a wonderful cynicism on the ground that it was good policy to make as much money as possible out of the enemy. Some papers seized in the possession of Frenchmen at New York showed clearly how extensive and well-organised was the plan of the French for obtaining their supplies from New England. Amherst wrote to Massachusetts, Rhode Island, and Connecticut to lay an embargo on all but transports engaged in Government employ, and this measure was actually taken, but it was removed in little more than a month.[1] In order to

[1] Hildreth. ii. 498. Macpherson's *Annals of Commerce*, iii 330 Arnold's *Hist. of Rhode Island*, ii. 227, 235, 236.

detect if possible the smuggled goods, the Custom-house officers in 1761 applied to the Superior Court in Massachusetts to grant them 'writs of assistance.' These writs, which were frequently employed in England, and occasionally in the colonies, bore a great resemblance to the general warrants which soon after became so obnoxious in England. They were general writs authorising Custom-house officers to search any house they pleased for smuggled goods, and they were said to have been sometimes used for purposes of private annoyance. They appear, however, to have been perfectly legal, and if their employment was ever justifiable, it was in an attempt to put down a smuggling trade with the enemy in time of war. The issue of the warrants was resisted, though unsuccessfully, by the Boston merchants, and a young lawyer of some talent named James Otis, whose father had just been disappointed in his hopes of obtaining a seat upon the bench, signalised himself by an impassioned attack on the whole commercial code and on the alleged oppression of Parliament. His speech excited great enthusiasm in the colonies, and was afterwards regarded by John Adams and some others as the first step towards the Revolution.[1]

There were indeed already on all sides symptoms by which a careful observer might have foreseen that dangers were approaching. The country was full of restless military adventurers called into prominence by the war. The rapid rise of an ambitious legal profession and the great development of the Press made it certain

[1] Otis tells a story of a man who possessed one of these writs, being summoned by a judge for Sabbath-breaking and swearing, and avenging himself by searching the house of the judge from top to bottom.—Tudor's *Life of Otis*, p. 67. A very full abstract of the great speech of Otis against the writs of assistance will be found in this work—a remarkable book from which I have derived much assistance. See, too, Adams' *Works*, i. 57, 58, ii. 524, 525.

that there would be abundant mouthpieces of discontent, and there was so much in the legal relations of England to her colonies that was anomalous, unsettled, or undefined, that causes of quarrel were sure to arise. The revenue laws were habitually violated. There was, in the Northern colonies at least, an extreme impatience of every form of control, and the Executive was almost powerless. The Government would gladly have secured for the judges in Massachusetts a permanent provision, which would place them in some degree beyond the control of the Assembly, but it found it impossible to carry it. The Assemblies of North Carolina and New York would gladly have secured for their judges a tenure of office during good behaviour, as in England, instead of at the King's pleasure, but the Home Government, fearing that this would still further weaken the Executive, gave orders that no such measure should receive the assent of the governors, and in New York the Assembly having refused on any other condition to vote the salaries of the judges, they were paid out of the royal quit rents.[1]

There were frequent quarrels between the governors and the Assemblies, and much violent language was employed. In 1762, on the arrival of some French ships off Newfoundland, the inhabitants of Massachusetts, who were largely employed in the fishery, petitioned the governor that a ship and sloop belonging to the province should be fitted out to protect their fishing boats. The governor and council complied with their request, and in order that the sloop should obtain rapidly its full complement of men he offered a bounty for enlistment. The whole expense of the bounty did not exceed 400*l*. The proceeding might be justified by many precedents, and it certainly wore no appearance of tyranny; but

[1] Bancroft, i. 502, 503. Grahame, iv. 87, 88.

Otis, who had been made one of the representatives of Boston as a reward for his incendiary speech about the writs of assistance, saw an opportunity of gaining fresh laurels. He induced the House to vote a remonstrance to the governor, declaring that he had invaded 'their most darling privilege, the right of originating taxes,' and that 'it would be of little consequence to the people whether they were subject to George the King of Great Britain or Lewis the French king if both were arbitrary, as both would be if both could levy taxes without Parliament.' It was with some difficulty that the governor prevailed on the House to expunge the passage in which the King's name was so disloyally introduced.[1]

The immense advantages which the colonists obtained by the Peace of Paris had no doubt produced even in the New England colonies an outburst of loyal gratitude, but the prospect was again speedily overclouded. The direction of colonial affairs passed into the hands of George Grenville, and that unhappy course of policy was begun which in a few years deprived England of the noblest fruits of the administration of Pitt.

Up to this time the North American colonies had in time of peace been in general almost outside the cognisance of the Government. As their affairs had no influence on party politics Parliament took no interest in them, and Newcastle, during his long administration, had left them in almost every respect absolutely to themselves. It was afterwards said by a Treasury official, who was intimately acquainted with the management of affairs, that 'Grenville lost America because he read the American despatches, which none of his predecessors had done.' The ignorance and neglect of all colonial matters can indeed hardly be exaggerated, and it is

[1] Hutchinson, pp. 97, 98. Tudor's *Life of Otis*, pp. 118-122.

stated by a very considerable American authority, that letters had repeatedly arrived from the Secretary of State who was officially entrusted with the administration of the colonies, addressed 'to the Governor of the Island of New England.'[1] America owed much to this ignorance and to this neglect; and England was so rich, and the colonies were long looked upon as so poor, that there was no disposition to seek anything more from America than was derived from a partial monopoly of her trade. But the position of England, as well as of America, was now wholly changed. Her empire had been raised by Pitt to an unprecedented height of greatness, but she was reeling under a national debt of nearly 140 millions. Taxation was greatly increased. Poverty and distress were very general, and it had become necessary to introduce a spirit of economy into all parts of the administration, to foster every form of revenue, and if possible, to diffuse over the gigantic empire a military burden which was too great for one small island. There is reason to believe that in the ministry of Bute, Charles Townshend and his colleagues had already contemplated a change in the colonial system, that they desired to reduce the colonial governments to a more uniform system, to plant an army in America, and to support it by colonial taxes levied by the British Parliament, and that it was only the briefness of their tenure of office that prevented their scheme from coming to maturity.[2] When Grenville succeeded to power on the fall of Bute, he took up the design, and his thorough knowledge of all the details of office, his impatience of any kind of neglect,

[1] Otis, *Rights of the British Colonies asserted* (3rd ed. 1766), p. 37.

[2] See Knox's *Extra-official Papers*, ii. 29. Almon's *Biographical Anecdotes*, ii. 81–83. *Bedford Correspondence*, iii. 210. Walpole's *George III.* iii. 32. Mr. Bancroft has collected with great industry all the extant evidence of this plan.

abuse, and illegality, as well as his complete want of that political tact which teaches statesmen how far they may safely press their views, foreshadowed a great change in colonial affairs. He resolved to enforce strictly the trade laws, to establish permanently in America a portion of the British army, and to raise by parliamentary taxation of America at least a part of the money which was necessary for its support.

These three measures produced the American Revolution, and they are well worthy of a careful and dispassionate examination. The enormous extent of American smuggling had been brought into clear relief during the war, when it had assumed a very considerable military importance, and as early as 1762 there were loud complaints in Parliament of the administration of the Custom-house patronage. Grenville found on examination that the whole revenue derived by England from the custom-houses in America amounted to between 1,000*l.* and 2,000*l.* a year; that for the purpose of collecting this revenue the English Exchequer paid annually between 7,000*l.* and 8,000*l.*, and that the chief Custom-house officers appointed by the Crown had treated their offices as sinecures, and by leave of the Treasury resided habitually in England.[1] Great portions of the trade laws had been systematically violated. Thus, for example, the colonists were allowed by law to import no tea except from the mother country, and it was computed that of a million and a half pounds of tea which they annually consumed, not more than a tenth part came from England.[2] This neglect Grenville resolved to terminate. The Commissioners of Customs were ordered at once to

[1] *Grenville Papers*, ii. 114.

[2] Bancroft, ii. 178. See, too, *Massachusettensis*, Letter iii. According to Sabine, 'Nine-tenths probably of all the tea, wine and fruit, sugar and molasses, consumed in the colonies, were smuggled.'—Sabine's *American Loyalists*, i. 12.

their posts. Several new revenue officers were appointed with more rigid rules for the discharge of their duties. The Board of Trade issued a circular to the colonies representing that the revenue had not kept pace with the increasing commerce, and did not yield more than one-quarter of the cost of collection, and requiring that illicit commerce should be suppressed, and that proper support should be given to the Custom-house officials. English ships of war were at the same time stationed off the American coast for the purpose of intercepting smugglers.[1]

In 1764 new measures of great severity were taken. The trade with the French West India islands and with the Spanish settlements, for molasses and sugar, had been one of the most lucrative branches of New England commerce. New England found in the French islands a market for her timber, and she obtained in return an abundant supply of the molasses required for her distilleries. The French West India islands were nearer than those of England. They were in extreme need of the timber of which New England furnished an inexhaustible supply, and they were in no less need of a market for their molasses, which had been excluded from France as interfering with French brandies, and of which enormous quantities were bought by the New England colonies. In 1763, 14,500 hogsheads of molasses were imported into New England from the French and Spanish settlements; it was largely paid for by timber which would otherwise have rotted uselessly on the ground, and the possibility of selling this timber at a profit gave a great impulse to the necessary work of clearing land in New England. No trade could have been more clearly beneficial to both parties, and the New Englanders maintained that it was the foundation of their whole system

[1] Arnold's *Hist. of Rhode Island*, ii. 246.

of commerce. The distilleries of Boston, and of other parts of New England, had acquired a great magnitude. Rum was sent in large quantities to the Newfoundland fisheries and to the Indians, and it is a circumstance of peculiar and melancholy interest that it was the main article which the Americans sent to Africa in exchange for negro slaves. In the trade with the Spanish settlements the colonists obtained the greater part of the gold and silver with which they purchased English commodities, and this fact was the more important because an English Act of Parliament had recently restrained the colonists from issuing paper money.[1]

In the interest of the English sugar colonies, which desired to obtain a monopoly for their molasses and their sugar, and which at the same time were quite incapable of furnishing a sufficient market for the superfluous articles of American commerce, a law had been passed in 1733 which imposed upon molasses a prohibitory duty of sixpence a gallon and on sugar a duty of five shillings per cwt. if they were imported into any of the British plantations from any foreign colonies. No portion of the commercial code was so deeply resented in America, and its effects would have been ruinous, had not the law been systematically eluded with the connivance of the revenue officers, and had not smuggling almost assumed the dimensions and the character of a branch of regular commerce. After several renewals the Act expired in 1763, and the colonies urgently petitioned that it should not be renewed.

Bernard, the Governor, and Hutchinson, the Lieutenant-Governor of Massachusetts, strongly condemned the policy of the Act, and dwelt upon the impossibility of enforcing it. Grenville, however, refused to relin-

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[1] Macpherson's *Annals of Commerce*, iii. 171–177, 192. Bancroft. Grahame. Letters of Governor Bernard.

quish what might be made a source of revenue, and the old law was renewed with several important modifications. The duty on molasses was reduced by one-half, but new duties were imposed on coffee, pimento, French and East India goods, white sugar and indigo from foreign colonies, Spanish and Portuguese wine, and wine from Madeira and the Azores, and the most stringent measures were taken to enforce the law. Bonds were exacted from every merchant who exported lumber or iron; the jurisdiction of the Courts of Admiralty, which tried smuggling cases without a jury, was strengthened and enlarged, and all the officers of ships of war stationed on the coasts of America were made to take the Custom-house oaths and act as revenue officers. In addition, therefore, to the old race of experienced but conniving revenue officers, the repression of smuggling became the business of a multitude of rough and zealous sailors, who entered into the work with real keenness, with no respect of persons, and sometimes with not a little unnecessary or excessive violence. The measure was one of the most serious blows that could be administered to the somewhat waning prosperity of Boston, and it was the more obnoxious on account of its preamble, which announced as a reason for imposing additional duties that 'it is just and necessary that a revenue be raised in your Majesty's dominions in America for defraying the expenses of defending, protecting, and securing the same.' In order to diminish the severity of these restrictions, bounties were in the same year given to the cultivation of hemp and flax in the colonies. South Carolina and Georgia were allowed to export the rice which was their chief product to the French West India islands; and the whale fishery, which was one of the most profitable industries of New England, was relieved of a duty which had hitherto alone prevented it from com-

pletely superseding or eclipsing the whale fishery of England.[1]

Judging by the mere letter of the law, the commercial policy of Grenville can hardly be said to have aggravated the severity of the commercial code, for the new restrictions that were imposed were balanced by the new indulgences that were conferred. In truth, however, the severe enforcement of rules which had been allowed to become nearly obsolete was a most serious injury to the prosperity of New England. A trade which was in the highest degree natural and beneficial, and which had long been pursued with scarcely any hindrance, was impeded, and the avowed object of raising by imperial authority a revenue to defray the expense of defending the colonies, created a constitutional question of the gravest kind.

It was closely connected with the intention to place rather more than 10,000 soldiers permanently in America. This scheme was also much objected to. The colonists retained in its full force the dread of a standing army, which had been so powerful in England at the time of the Revolution. In time of war, they said, they had always shown themselves willing to raise troops at the requisition of the governor. Parliament, in the last war, had repeatedly acknowledged the alacrity they had displayed, and they asked why the country might not, as heretofore, be protected in time of peace by its own militias, which were organised and paid without any assistance from the mother country. It was urged that the expulsion of the French from Canada had greatly diminished its foreign dangers, and it was asked whether the army was really intended to guard against foreigners.

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[1] 4 Geo. III. 15, 26, 27, 29. Macpherson's *Hist. of Commerce*, iii. 395–401., Grahame, iv. 169–176. Tudor's *Life of Otis*, p. 165.

It is possible, and indeed very probable, that a desire to strengthen the feeble Executive, and to prevent the systematic violation of the revenue laws, was a motive with those who recommended the establishment of an army in America; but the primary object was, no doubt, the defence of the colonies and the maintenance of imperial interests. In the earlier stages of colonial history, little had been done in the way of protection, because these poor and scattered communities appeared of little value either to England or to her enemies. British America, however, was now a great and prosperous country. When we remember its vast extent, its great wealth, and its distance from the mother country; when we remember also that a great part of it had been but just annexed to the Crown, and that its most prosperous provinces were fringed by tribes of wild Indians, the permanent maintenance in it of a small army appears evidently expedient. The dangers from Indians in the north had been no doubt diminished by the conquest of Canada, but a terrible lesson had very recently shown how formidable Indian warfare might still become. In June 1763, a confederation including several Indian tribes had suddenly and unexpectedly swept over the whole western frontier of Pennsylvania and Virginia, had murdered almost all the English settlers who were scattered beyond the mountains, had surprised and captured every British fort between the Ohio and Lake Erie, and had closely blockaded Fort Detroit and Pittsburg. In no previous war had the Indians shown such skill, tenacity, and concert; and had there not been British troops in the country, the whole of Pennsylvania, Virginia, and Maryland would probably have been overrun. In spite of every effort, a long line of country twenty miles in breadth was completely desolated, and presented one hideous scene of plunder, massacre, and torture. It

was only after much desperate fighting, after some losses, and several reverses, that the troops of Amherst succeeded in repelling the invaders and securing the three great fortresses of Niagara, Detroit, and Pittsburg.

The war lasted for fourteen months; but during the first six months, when the danger was at its height, the hard fighting appears to have been mainly done by English troops, though a considerable body of the militia of the Southern colonies were in the field. At last Amherst called upon the New England colonies to assist their brethren, but his request was almost disregarded. Massachusetts, being beyond the zone of immediate danger, and fatigued with the burden of the late war, would give no help; and Connecticut with great reluctance sent 250 men. After a war of extreme horror, peace was signed in September 1764. In a large degree by the efforts of English soldiers, the Indian territory was again rolled back, and one more great service was rendered by England to her colonies.[1]

This event was surely a sufficient justification of the policy of establishing a small army in the colonies. But it was not alone against the Indians that it was required. It was a general belief in America that if another war broke out, France would endeavour to regain Canada, and that she might be aided by an insurrection of her former subjects.[2] It was almost certain that the next French war would extend to the West Indies, and in that case America would be a post of vital importance both for defence and for attack. It was plainly unwise that such a position should be left wholly denuded of troops, and dependent for its protection upon the precarious favour of the winds.

These considerations appear to me to justify fully

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[1] Trumbull's *Hist. of the United States*, pp. 455–467. Hildreth, Grahame, Hutchinson.

[2] Otis, *Rights of the Colonies* p. 97.

the policy of the ministers in desiring to place a small army permanently in the colonies. We must next inquire whether it was unreasonable to expect the colonists to support it. The position of England after the Peace of Paris was wholly different from her position in the preceding century. She was no longer a small, compact, and essentially European country, with a few outlying possessions of comparatively little value. By the conquests of Clive in Hindostan, by the great development of the colonies of British America, by the acquisition of Florida and Canada and of the important islands which had recently been annexed, she had become the centre of an empire unrivalled since that of Charles V. and pregnant with the possibilities of almost unbounded progress. It devolved upon the English statesmen who obtained power after the Peace of Paris to legislate for these new conditions of national greatness, and to secure, as far as human sagacity could do so, the permanence of that great Empire which had been built up by so much genius and with so much blood, and which might be made the instrument of such incalculable benefits to mankind. The burden of the naval protection they proposed to leave exclusively with the mother country, but the burden of the military protection they proposed to divide. They maintained that it was wholly impossible that 8,000,000 Englishmen, weighed down with debt and with taxation, and with a strong traditional hostility to standing armies, could alone undertake the military protection of an empire so vast, so various, and in many of its parts so distant. Two subsidiary armies had already been created. The East India Company had its own forces for the defence of India, and Ireland supported a large force both for its own defence and for the general service of the Empire. Townshend and Grenville resolved to plant a third army in the colonies.

The case of Ireland is here worthy of special notice. If North America was the part of the British Empire where well-being was most widely diffused, Ireland was probably the part where there was most poverty. Her population may, perhaps, have exceeded the free population of British America by about a million; but her natural resources were infinitely less. By her exclusion from the Navigation Act she had been shut out from all direct trade with the British dependencies, while her most important manufactures had been suppressed by law. The great majority of her population had been reduced to extreme degradation by the penal code. She was burdened by a tithe system supporting an alien Church. Her social system was disorganised by repeated confiscations and by the emigration of her most energetic classes, and she was drained of her little wealth by absenteeism, by a heavy pension list, and by an exaggerated establishment in Church and State, in which the chief offices were reserved for Englishmen. Yet Ireland from Irish revenues supported an army of 12,000 men, which was raised in 1769 to 15,000.

I have no wish to deny that the Stamp Act was a grievance to the Americans, but it is due to the truth of history that the gross exaggerations which have been repeated on the subject should be dispelled, and that the nature of the alleged tyranny of England should be clearly defined. It cannot be too distinctly stated that there is not a fragment of evidence that any English statesman, or any class of the English people, desired to raise anything by direct taxation from the colonies for purposes that were purely English. They did not ask them to contribute anything to the support of the navy which protected their coast, or anything to the interest of the English debt. At the close of a war which had left England overwhelmed with additional burdens, in which the whole resources of the British

Empire had been strained for the extension and security of the British territory in America, by which the American colonists had gained incomparably more than any other of the subjects of the Crown, the colonies were asked to bear their share in the burden of the Empire by contributing a third part—they would no doubt ultimately have been asked to contribute the whole—of what was required for the maintenance of an army of 10,000 men, intended primarily for their own defence. 100,000*l*. was the highest estimate of what the Stamp Act would annually produce, and it was rather less than a third part of the expense of the new army. This was what England asked from the most prosperous portion of her Empire. Every farthing which it was intended to raise in America, it was intended also to spend there.

The great grievance was of course that the sum was to be raised by imperial taxation, and that it was therefore a departure from the old system of government in the colonies. Hitherto the distinction between external and internal taxation had been the leading principle of colonial administration. Parliament exercised a recognised right when it determined the commercial system of the colonies by the imposition of duties which produced indeed some small revenue, but which were not intended for that purpose, but solely for the purpose of commercial regulation. But taxes intended for the purpose of revenue had only been imposed by the colonial assemblies. Twice already in the eighteenth century the imposition of imperial taxation for military purposes had been contemplated. In 1739 a body of American merchants under the leadership of Sir W. Keith, the Governor of Pennsylvania, had proposed the establishment of a body of troops along the western frontier of the British settlements, and had suggested a parliamentary duty on stamped paper and parch-

ments as a means of defraying the expense; but Walpole had wisely declined to accede to the proposition. In 1754, when it was necessary to make preparations for the great war with France, and when the scheme for uniting the colonies for military purposes had failed, the Government proposed that the governors of the several provinces should meet together, and with some members of the general councils should concert measures for the defence of the colonies. It was proposed that the English Treasury should advance such sums as they deemed necessary for this purpose, and that it should be reimbursed by a tax imposed on all the colonies by the Imperial Parliament. The extreme difficulty of obtaining any simultaneous military action of the colonies, and the impossibility of inducing the colonies which were remote from the immediate danger to contribute their quota to the common cause, were the reasons alleged; and in order that the grievance should be as small as possible, it was intended that Parliament should only determine the proportion to be paid by each colony, leaving it to each colonial assembly to raise that sum as it pleased. Franklin, who was consulted about the scheme, wrote some able letters to Shirley, the Governor of Massachusetts, protesting against it, and Pitt refused to adopt it.[1]

The constitutional competence of Parliament to tax the colonies is a question of great difficulty, upon which the highest legal authorities have been divided, though the decided preponderance of legal opinion has been in favour of the right. Parliament repeatedly claimed and exercised a general right of legislating for the colonies,

[1] See on this negotiation Franklin's letters to Shirley, with the prefatory note.—Franklin's *Works*, iii. 56–58. Thackeray's *Life of Chatham*, ii. 56, 57. *The Controversy between Great Britain and her Colonies Reviewed* (1769), pp. 194–198. Bancroft, i. 195–198.

and it is not possible to show by the distinct letter of the law that this did not include the right to make laws imposing taxes. It was admitted by the Americans that it might impose trade duties which produced revenue, though they were not primarily intended for that purpose; and it is certain that the Charter of Pennsylvania, though of that colony alone, expressly reserved to Parliament the right of taxation.[1] To an accurate thinker, indeed, it must appear evident that every law which in the interest of English manufacturers prohibited the Americans from pursuing a form of manufacture, or buying a particular class of goods from foreigners, was in reality a tax. The effect of the monopoly was that the Americans paid more for these goods than if they had produced them or bought them from foreigners, and this excess was a sum levied from the Americans for the benefit of England. If the Virginian planters were obliged by restrictive laws to send their tobacco to England alone, and if a tax was imposed on all tobacco in England for the purpose of revenue, it is clear that at least a portion of that tax was really paid by the producer in Virginia. It is also not evident in the nature of things why the general defence of the Empire should be esteemed less an imperial concern than the regulation of commerce; and why, if Parliament might bind the colonies and raise money for the regulation of their commercial system, she might not also both determine and enforce their military obligations. The general opinion of English lawyers appears to have been that the distinction between internal and external taxation had no basis in law or in fact, and that the right of the English Legislature was supreme;

[1] By the Charter the Sovereign engaged never to levy any tax in Pennsylvania, 'unless the same be with the consent of the proprietors or chief governor or Assembly, *or by Act of Parliament in England*.'

over the colonies, however impolitic it might be to exercise it. In 1724 the law officers of the Crown, one of whom was Sir Philip Yorke, had given their opinion that 'a colony of English subjects cannot be taxed but by some representative body of their own or by the Parliament of England;' and a similar opinion was given in 1744 by Murray, afterwards Lord Mansfield. Mansfield was subsequently one of the strongest advocates of the Stamp Act, and the most vehement opponent of its repeal. In a few years the colonial lawyers appear to have agreed substantially with those of England, for they maintained that, in order to establish by argument the sole right of the Assemblies to tax the colonies, it was necessary to deny that the Imperial Parliament had any power of legislating for them.

It was admitted that it was a new thing to impose internal taxation on the colonies. The Post Office revenue, which was often alleged as an example, might be regarded merely as a payment exacted for the performance of a service of general utility, and the propriety of imposing this new burden on the colonies was defended on the ground that the circumstances both of the colonies and of England had radically changed.[1] The idea, however, of supporting an American army by imperial taxation of America was, as we have seen, not new, and some of the best judges of American affairs appeared to regard it as feasible. When the question of establishing a general fund during the war was under discussion in 1754 and 1755, Governor Shirley gave his opinion 'that the several Assemblies within the colonies will not agree among themselves upon such a fund; that consequently it must be done in England, and that

[1] As Dr. Johnson wittily though somewhat offensively wrote: 'We do not put a calf into the plough: we wait till it is an ox.'

the only effectual way of doing it there will be by an Act of Parliament, in which I have great reason to think the people will readily acquiesce, and that the success of any other method will be doubtful.'[1]

This passage implies what was probably the strongest argument weighing upon the ministers. It was the absolute impossibility of inducing America to support her own army unless the English Parliament intervened. There was no central colonial government. There was no body, like the Irish Parliament, competent to tax the several provinces. In order to raise the money for the support of an American army with the assent of the colonies, it was necessary to have the assent of no less than seventeen colonial assemblies. The hopelessness of attempting to fulfil this condition was very manifest. If in the agonies of a great war it had been found impossible to induce the colonies to act together; if the Southern colonies long refused to assist the Northern ones in their struggle against France because they were far from the danger; if South Carolina, when reluctantly raising troops for the war, stipulated that they should act only within their own province; if New England would give little or no assistance while the Indians were carrying desolation over Virginia and Pennsylvania; what chance was there that all these colonies would agree in time of peace to impose uniform and proportionate taxation upon themselves for the support of an English army?[2] It seemed evident, as a

[1] *The Controversy between Great Britain and her Colonies*, pp. 196, 197.

[2] See a very able statement of the dissension among the colonies in *The Controversy between Great Britain and her Colonies*, pp. 93–97. Governor Franklin (the son of Benjamin Franklin), in a speech to the Assembly of New Jersey in 1775, said: 'The necessity of some supreme judge [to determine the quota of each province to the general expense] is evident from the very nature of the case, as otherwise some of the colonies might not contribute their due proportion. During the

matter of practical statesmanship, that it would be impossible, without the assistance of Parliament, to support an American army by American taxation, unless the provinces could be induced to confide the power of taxation to a single colonial assembly, and unless England could induce that assembly, by the promise of commercial relaxations, to vote a subsidy. To both parts of this scheme the difficulties were enormous, and probably insuperable. Extreme jealousy of England, of the Executive, and of each other, animated the colonies, while a spirit of intense commercial monopoly was dominant in England. Under these conditions the problem might well have appeared a hopeless one.

It would have been far wiser, under such circumstances, to have abandoned the project of making the Americans pay for their army, and to have thrown the burden on the mother country. Heavily as the English were at this time taxed, grievous as was the discontent that was manifested among the people, the support of a small American army would not have been overwhelming, while a conflict with the colonists on the question could lead to no issue that was not disastrous. There was indeed one method which might possibly have been successful. Fresh duties imposed on American goods might have raised the required sum in a

last war I well remember it was ardently wished by some of the colonies that others, who were thought to be delinquent, might be compelled by Act of Parliament to bear an equal share of the public burdens. . . . When the Assembly in 1764 was called upon to make provision for raising some troops on account of the Indian war, they declined doing it for some time but on condition a majority of the eastern colonies so far as to include Massachusetts Bay should come into his Majesty's requisition on the occasion. But as none of the Assemblies of the New England Governments thought themselves nearly concerned, nothing was granted by them, and the whole burden of the expedition then carried on fell on Great Britain and three or four of the middle colonies.'—See *Tucker's Letter to Burke*, pp. 49, 50.

manner mischievous and wasteful indeed both to England and the colonies, but not wholly inconsistent with the usual tenor of their government, and in the opinion of Franklin such a measure might have been acquiesced in. In the beginning of 1764 that very shrewd observer wrote a letter urging the necessity of converting the Government of Pennsylvania from a proprietary into a royal one, in which there occurs a passage which is singularly curious when read in the light of the author's subsequent career. 'That we shall have a standing army to maintain,' he says, 'is another bugbear raised to terrify us from endeavouring to obtain a king's government. It is very possible that the Crown may think it necessary to keep troops in America henceforward, to maintain its conquests and defend the colonies, and that the Parliament may establish some revenue arising out of the American trade to be applied towards supporting these troops. It is possible too that we may, after a few years' experience, be generally very well satisfied with that measure, from the steady protection it will afford us against foreign enemies and the security of internal peace among ourselves without the expense and trouble of a militia.'[1]

Grenville adopted another course, but he acted with evident reluctance and hesitation. In March 1764, at the same time as the commercial measure I have already described, he brought forward and carried a resolution asserting that 'for further defraying the expense of protecting the colonies it may be proper to charge certain stamp duties in the said colonies.' Further measures were postponed for a year, in order to ascertain fully the sentiments of the colonies, and also to give them an opportunity, if they chose to avail themselves of it, either of suggesting some other tax or of

[1] Franklin's *Works*, iv. 89, 90.

preventing the action of Parliament by themselves raising the sum which was required.[1]

✓At the close of this session the agents of the different colonies went in a body to Grenville to ask him if it was still his intention to bring in the threatened Bill. Grenville replied positively in the affirmative, and he defended his determination by arguments which he had already used both in private and in the House of Commons. The interview was described by Mauduit, the agent of Massachusetts, in a letter to his colony, and his accuracy was fully attested by Montagu, the agent for Virginia. Grenville, according to these reporters, urged 'that the late war had found us 70 millions, and had left us more than 140 millions in debt. He knew that all men wished not to be taxed, but in these unhappy circumstances it was his duty as a steward for the public to make use of every just means of improving the public revenue. He never meant, however, to charge the colonies with any part of the interest of the national debt. But, besides that public debt, the nation had incurred a great annual expense in the maintaining of the several new conquests which we had made during the war, and by which the colonies were so much benefited. The American civil and military establishment, after the Peace of Aix-la-Chapelle, was only 70,000*l.* per annum. It was now 350,000*l.* This was a great additional expense incurred upon American account, and he thought therefore that America ought to contribute towards it. He did not expect that the colonies should raise the whole; but some part of it he thought they ought to raise, and a stamp duty was intended for that purpose.' He then proceeded to defend the particular tax which he had selected. It was the easiest. It was the most equitable. It would fall

[1] Almon's *Biographical Anecdotes*, ii. 88–92.

exclusively on property. It could be collected by very few officers. It would be equally spread over America and the West Indies. 'I am not, however,' he continued, 'set upon this tax. If the Americans dislike it, and prefer any other method of raising the money themselves, I shall be content. Write therefore to your several colonies, and if they choose any other mode I shall be satisfied, provided the money be but raised.'[1]

[1] Almon's *Biographical Anecdotes*, ii. 82–92. In the reply of the Massachusetts Assembly to Mauduit, the following passage occurs: 'The actual laying the stamp duty, you say, is deferred till next year, Mr. Grenville being willing to give the provinces their option to raise that or some equivalent tax, "desirous," as he was pleased to express himself, "to consult the ease, and quiet, and the goodwill of the colonies."' 'This suspension,' the letter adds, 'amounts to no more than this, that if the colonies will not tax themselves as they may be directed, the Parliament will tax them.'—Mauduit's *View of the New England Colonies*, pp. 95–100. In *The Controversy between Great Britain and her Colonies*, which was perhaps the ablest statement of the case against the colonies, and which was written by Knox, the Under-Secretary of State, and one of Grenville's confidential writers, it is said: 'Mr. Grenville, indeed, went so far as to desire the agents to acquaint the colonies that if they could not agree among themselves upon raising a revenue by their own Assemblies, yet if they all, or any of them, disliked stamp duties, and would propose any other sort of tax which would carry the appearance of equal efficacy, he would adopt it. But he warmly recommended to them the making grants by their own Assemblies as the most expedient method for themselves.'—P. 199. Burke, however, states that Grenville in the many debates on the Stamp Act never made this apology for himself, that he always expressed his dislike to the system of raising money by requisitions to the colonial Assemblies, and his preference for parliamentary taxation, and that it is therefore impossible he can have recommended the colonies to tax themselves, though he may have urged them to agree upon the tax which they would wish Parliament to propose (Speech on American Taxation). It appears, however, evident from the Massachusetts letter that although Grenville was inexorable about the right of Parliament to tax the colonies, the colonists understood him to have intentionally left it open to them to prevent the exercise of that right by raising the money themselves. All that politicians in England really wanted was an American contribution to the defence of

He hinted that by agreeing to the tax the Americans could make a precedent for their being always consulted by the ministry before they were taxed by Parliament.[1]

Grenville has been much blamed for not having made a formal requisition to each colonial Assembly, as was usual in time of war, requesting them to raise a sum for the support of the army; but it is almost certain that such a requisition would in most, if not all, cases have been refused, and the demand would have been made use of as a proof that Parliament had no right to impose the required tax. It is evident, however, that if the colonies were anxious to avoid what they regarded as the oppression of parliamentary taxation, by themselves making the provision for the required army, they had ample time and opportunity to do so. They were, however, quite resolved not to contribute to the army in any form. They had not asked for it. They disliked and dreaded it as strengthening the English Government. Their own taxes were much increased by burdens inherited from the war; a great part of the country was still suffering from recent devastations by the Indians, and the irritation caused by the measures against smuggling was very strong. The proposed tax was discussed in every provincial Assembly, and the result was a long series of resolutions and addresses to Parliament denying in the most emphatic terms the right of Parliament to tax America, and asserting that if the scheme of the minister were carried into effect, 'it would establish the melancholy truth that the inhabitants of the colonies are the slaves of the Britons from whom they are descended.'[2] The Penn-

the Empire. See, too, the statement of Garth, the Agent of South Carolina; Bancroft, ii. 211; and that of Franklin, *Works*, i. 291, 292; iv. 194.

[1] *Annual Register*, 1765, p. 33.

[2] See the Virginian Address, Grahame, iv. 180.

sylvanians alone made some advance in the direction of compromise by resolving that, 'as they always had thought, so they always shall think it their duty to grant aid to the Crown, according to their abilities, whenever required of them in the usual constitutional manner,' but they took no measure to carry their resolution into effect. In New England the doctrine that Parliament had no right whatever to legislate for America was now loudly proclaimed, and Otis was as usual active in fanning resistance to the Government.

It was obvious that a very dangerous spirit was arising in the colonies. A few voices were raised in favour of the admission of American representatives into Parliament; but this plan, which was advocated by Otis and supported by the great names of Franklin and of Adam Smith, would have encountered enormous practical difficulties, and it found few friends in either country. Grenville himself, however, appears to have for a time seriously contemplated it. As he was accustomed to say to his friends, he had never entertained the smallest design against American liberty, and the sole object of his colonial policy was to induce or oblige America to contribute to the expense of her own defence in the same manner as Ireland. He had consulted the colonial agents in order that the colonies might themselves suggest the form of the contribution, and establish the precedent of being always in such cases consulted. He had deferred the Stamp Act for a whole year in order that the colonies might, if they chose, make imperial taxation unnecessary; and if the Americans thought that their liberties would become more secure by the introduction of American representatives into the British Parliament, he was quite ready to support such a scheme.[1] He would probably, however,

[1] See Knox's *Extra-official Papers*, ii. 24, 25, 31–33. Hutchin-

have found it not easy to carry in England, and it was soon after utterly repudiated in America. At the same time, after the open denial of the competence of Parliament to tax the colonies, it was especially difficult to recede, and Grenville had some reason to think that the colonial addresses exaggerated the sentiments of the people. When the project was first laid before the agents of the colonies, the Agent for Rhode Island was the only one who unequivocally repudiated it.[1] The form of the tax was not one which would naturally attract much attention, and it might be hoped that public opinion would soon look upon it as of the same nature as the postal revenue which the Imperial Parliament had long levied in the colonies.

In February 1765 the agents of several of the colonies had an interview with Grenville, and made one last effort to dissuade him from introducing the measure. Grenville, in his reply, expressed his sincere regret if he was exciting resentments in America, but, he said, 'it is the duty of my office to manage the revenue. I have really been made to believe that, considering the whole circumstances of the mother country and the colonies, the latter can and ought to pay something to the public cause. I know of no better way than that now pursuing to lay such a tax. If you can tell of a better I will adopt it.' Benjamin Franklin, who had shortly before come over as Agent for Philadelphia,

son's *Hist. of Massachusetts*, p. 112. In his *Notes on the United States*, Sir Augustus Foster, who was English Secretary of Legation at Washington, 1804–1806, mentions that both Jefferson and his successor in the Presidency, Madison, expressed their belief that 'the timely concession of a few seats in the Upper as well as the Lower House would have set at rest the whole question.' Lord Liverpool was accustomed to say that no serious resistance to the Stamp Act would have been made, if Grenville had carried it at once without leaving a year for discussion. See *Quarterly Review*, No. cxxxv. p. 37.

[1] See Grahame, iv. 188.

presented the resolution of the Assembly of his province, and urged that the demand for money should be made in the old constitutional way to the Assembly of each province in the form of a requisition by the governor. 'Can you agree,' rejoined Grenville, 'on the proportions each colony should raise?' The question touched the heart of the difficulty; the agents were obliged to answer in the negative, and the interview speedily closed. A few days later the fatal Bill was introduced into a nearly empty House, and it passed through all its stages almost unopposed. It made it necessary for all bills, bonds, leases, policies of insurance, newspapers, broadsides, and legal documents of all kinds to be written on stamped paper, to be sold by public officers at varying prices prescribed by the law. The proceeds were to be paid into his Majesty's treasury, and they were to be applied, under the direction of the Parliament, exclusively to the protection and defence of the colonies.[1] Offences against the Stamp Act were to be cognisable in America as in England by the Courts of Admiralty, and without the intervention of juries. In order to soften the opposition, and to consult, to the utmost of his power, the wishes of the colonists, Grenville informed the colonial agents that the distribution of the stamps should be confided not to Englishmen but to Americans, and he requested them to name such persons in their respective provinces as they thought best qualified for the purpose and most acceptable to the inhabitants. They all complied with the request, and Franklin named one of his intimate friends as stamp distributor for Pennsylvania.

The Stamp Act, when its ultimate consequences are considered, must be deemed one of the most momentous legislative Acts in the history of mankind; but in Eng-

[1] 5 Geo. III. c. 12.

land it passed almost completely unnoticed. The Wilkes excitement absorbed public attention, and no English politician appears to have realised the importance of the measure. It is scarcely mentioned in the contemporary correspondence of Horace Walpole, of Grenville, or of Pitt. Burke, who was not yet a member of the House of Commons, afterwards declared that he had followed the debate from the gallery, and that he had never heard a more languid one in the House; that not more than two or three gentlemen spoke against the Bill; that there was but one division in the whole course of the discussion, and that the minority in that division was not more than thirty-nine or forty. In the House of Lords he could not remember that there had been either a debate or division, and he was certain that there was no protest.[1] Pitt was at this time confined to his bed by illness, and Conway, Beckford, and Barré appear to have been almost the only opponents of the measure. The latter, whose American experience during the Canadian war had given him considerable weight, described the colonists, in a fine piece of declamation, as 'sons of liberty' planted in America by the oppression and strengthened by the neglect of England, and he predicted that the same love of freedom which had led them into an uncultivated and inhospitable country, and had supported them through so many hardships and so many dangers, would accompany them still, and would inspire them with an indomitable resolution to

[1] Burke's speech on American taxation, April 1774. The following is Horace Walpole's sole notice of the measure: 'There has been nothing of note in Parliament but one slight day on the American taxes, which Charles Townshend supporting, received a pretty heavy thump from Barré, who is the present Pitt and the dread of all the vociferous Norths and Rigbys, on whose lungs depended so much of Mr. Grenville's power.' Walpole to Hertford, Feb. 12, 1765. Beckford, some years later, mentioned that he had opposed the Stamp Act.—*Cavendish Debates*, i. 41.

vindicate their violated liberty. His words appear to have excited no attention in England, and were not even reported in the contemporary parliamentary history; but they were at once transmitted to America by the Agent for Connecticut, who had been present in the gallery, and they contributed not a little to stimulate the flame. The 'sons of liberty' became from this time the favourite designation of the American associations against the Stamp Act.

In truth, the measure, although it was by no means as unjust or as unreasonable as has been alleged, and although it might perhaps in some periods of colonial history have passed almost unperceived, did unquestionably infringe upon a principle which the English race both at home and abroad have always regarded with a peculiar jealousy. The doctrine that taxation and representation are in free nations inseparably connected, that constitutional government is closely connected with the rights of property, and that no people can be legitimately taxed except by themselves or their representatives, lay at the very root of the English conception of political liberty. The same principle that had led the English people to provide so carefully in the Great Charter, in a well-known statute of Edward I., and in the Bill of Rights, that no taxation should be drawn from them except by the English Parliament; the same principle which had gradually invested the representative branch of the Legislature with the special and peculiar function of granting supplies, led the colonists to maintain that their liberty would be destroyed if they were taxed by a Legislature in which they had no representatives, and which sat 3,000 miles from their shore. It was a principle which had been respected by Henry VIII. and Elizabeth in the most arbitrary moments of their reigns, and its violation by Charles I. was one of the chief causes of the Rebellion. The prin-

ciple which led Hampden to refuse to pay 20*s.* of ship money was substantially the same as that which inspired the resistance to the Stamp Act. It might be impossible to show by the letter of the law that there was any generical distinction between taxing and other legislative Acts; but in the constitutional traditions of the English people a broad line did undoubtedly exist. As Burke truly said, 'the great contests for freedom in this country were from the earliest times chiefly on the question of taxing.' The English people have always held that as long as their representatives retain the power of the purse they will be able at last to check every extravagance of tyranny, but that whenever this is given up the whole fabric of their liberty is undermined. The English Parliament had always abstained from imposing taxes on Wales until Welsh members sat among them. When the right of self-taxation was withdrawn from Convocation, the clergy at once assumed and exercised the privilege of voting for Members of Parliament in virtue of their ecclesiastical freeholds. The English Parliament repeatedly asserted its authority over the Parliament of Ireland, and it often exerted it in a manner which was grossly tyrannical; but it never imposed any direct tax upon the Irish people. The weighty language of Henry Cromwell, who governed Ireland in one of the darkest periods of her history, was remembered: 'I am glad,' he wrote, 'to hear that as well non-legal as contra-legal ways of raising money are not hearkened to. . . . Errors in raising money are the compendious ways to cause a general discontent; for whereas other things are but the concernments of some, this is of all. Wherefore, I hope God will in His mercy not lead us into temptation.'[1]

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[1] H. Cromwell to Thurloe, February 24, 1657. *Thurloe State Papers*, vi. 820.

It is quite true that this theory, like that of the social contract which has also borne a great part in the history of political liberty, will not bear a severe and philosophical examination. The opponents of the American claims were able to reply, with undoubted truth, that at least nine-tenths of the English people had no votes; that the great manufacturing towns, which contributed so largely to the public burdens, were for the most part wholly unrepresented; that the minority in Parliament voted only in order to be systematically overruled; and that, in a country where the constituencies were as unequal as in England, that minority often represented the large majority of the voters. It was easy to show that the financial system of the country consisted chiefly of a number of particular taxes imposed on particular classes and industries, and that in the great majority of cases these taxes were levied not only without the consent but in spite of the strenuous opposition of the representatives of those who paid them. The doctrine that 'whatever a man has honestly acquired is absolutely his own, and cannot without robbery be taken from him, except by his own consent,' if it were applied rigidly to taxation, would reduce every society to anarchy; for there is no tax which on such principles a large proportion of the tax-payers would not be authorised in resisting. It was a first principle of the Constitution that a Member of Parliament was the representative not merely of his own constituency, but also of the whole Empire. Men connected with, or at least specially interested in the colonies, always found their way into Parliament; and the very fact that the colonial arguments were maintained with transcendent power within its walls was sufficient to show that the colonies were virtually represented.

Such arguments gave an easy dialectic victory to the supporters of the Stamp Act; but in the eyes of a

true statesman they are very insufficient. Severe accuracy of definition, refinement and precision of reasoning, are for the most part wholly out of place in practical politics. It might be true that there was a line where internal and external taxation, taxation for purposes of commerce and taxation for purposes of revenue, faded imperceptibly into one another; but still there was a broad, rough distinction between the two provinces which was sufficiently palpable to form the basis of a colonial policy. The theory connecting representation with taxation was susceptible of a similar justification. A Parliament elected by a considerable part of the English people, drawn from the English people, sitting in the midst of them, and exposed to their social and intellectual influence, was assumed to represent the whole nation, and the decision of its majority was assumed to be the decision of the whole. If it be asked how these assumptions could be defended, it can only be answered that they had rendered possible a form of government which had arrested the incursions of the royal prerogative, had given England a longer period and a larger measure of self-government than was enjoyed by any other great European nation, and had created a public spirit sufficiently powerful to defend the liberties that had been won. Such arguments, however worthless they might appear to a lawyer or a theorist, ought to be very sufficient to a statesman. Manchester and Sheffield had no more direct representation in Parliament than Boston or Philadelphia; but the relations of unrepresented Englishmen and of colonists to the English Parliament were very different. Parliament could never long neglect the fierce beatings of the waves of popular discontent around its walls. It might long continue perfectly indifferent to the wishes of a population 3,000 miles from the English shore. When Parliament taxed the English people, the taxing

body itself felt the weight of the burden it imposed; but Parliament felt no part of the weight of colonial taxation, and had therefore a direct interest in increasing it. The English people might justly complain that they were taxed by a body in which they were very imperfectly represented; but this was a widely different thing from being taxed by the Legislature of another country. To adopt the powerful language of an Irish writer, no free people will ever admit 'that persons distant from them 1,000 leagues are to tax them to what amount they please, without their consent, without knowing them or their concerns, without any sympathy of affection or interest, without even sharing themselves in the taxes they impose—on the contrary, diminishing their own burdens exactly in the degree they increase theirs.'[1]

The Stamp Act received the royal assent on March 22, 1765, and it was to come into operation on the 1st of November following. It was accompanied by a measure granting the colonies bounties for the import of their timber into England, permitting them to export it freely to Ireland, Madeira, the Azores, and any part of Europe south of Cape Finisterre; and in some other ways slightly relaxing the trade restrictions.[2] A measure was also passed which obliged the colonists to provide the British troops stationed among them with quarters, and also with fire, candles, beds, vinegar, and salt. Neither of these measures, however, at the time excited much attention, and public interest in the colonies was wholly concentrated upon the Stamp Act. The long delay, which had been granted in the hope that it might lead to some proposal of compromise from America, had been sedulously employed by skilful

[1] *Considerations on the Dependencies of Great Britain* (by Sir Hercules Langriske), Dublin, 1769, p. 75.

[2] 5 Geo. III. c. 45.

agitators in stimulating the excitement; and when the news arrived that the Stamp Act had been carried, the train was fully laid, and the indignation of the colonies rose at once into a flame. Virginia set the example by a series of resolutions which were termed 'the alarum bell to the disaffected,' and which were speedily copied in the other provinces. They declared that the colonists were entitled by charter to all the liberties and privileges of natural-born subjects; 'that the taxation of the people by themselves, or by persons chosen by themselves to represent them, . . . is the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist,' and that this inestimable right had always been recognised by the King and people of Great Britain as undoubtedly belonging to the colonies. A congress of representatives of nine States was held at New York, and in an extremely able State paper they drew up the case of the colonies. They acknowledged that they owed allegiance to the Crown, and 'all due subordination to that august body, the Parliament of Great Britain;' but they maintained that they were entitled to all the inherent rights and liberties of natural-born subjects; 'that it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives;' that the colonists 'are not, and from their local circumstances cannot be, represented in the House of Commons of Great Britain;' that the only representatives of the colonies, and therefore the only persons constitutionally competent to tax them, were the members chosen in the colonies by themselves; and 'that all supplies of the Crown being free gifts from the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution for the people of Great Britain to grant to

his Majesty the property of the colonies.' A petition to the King and memorials to both Houses of Parliament were drawn up embodying these views.[1]

It was not, however, only by such legal measures that the opposition was shown. A furious outburst of popular violence speedily showed that it would be impossible to enforce the Act. In Boston, Oliver, the secretary of the province, who had accepted the office of stamp distributor, was hung in effigy on a tree in the main street of the town. The building which had been erected as a Stamp Office was levelled with the dust; the house of Oliver was attacked, plundered, and wrecked, and he was compelled by the mob to resign his office and to swear beneath the tree on which his effigy had been so ignominiously hung, that he never would resume it. A few nights later the riots recommenced with redoubled fury. The houses of two of the leading officials connected with the Admiralty Court and with the Custom-house were attacked and rifled, and the files and records of the Admiralty Court were burnt. The mob, intoxicated with the liquors which they had found in one of the cellars they had plundered, next turned to the house of Hutchinson, the Lieutenant-Governor and Chief Justice of the province. Hutchinson was not only the second person in rank in the colony, he was also a man who had personal claims of the highest kind upon his countrymen. He was an American, a Calvinist, a member of one of the oldest colonial families, and in a country where literary enterprise was very uncommon he had devoted a great part of his life to investigating the history of his native province. His rare ability, his stainless private character, and his great charm of manner were universally recognised;[2] he had at one time been one of the most

[1] See Story's *Constitution of the United States*, i. 175, 176.

[2] See Tudor's *Life of Otis*, pp. 424–433.

popular men in the colony, and he had been selected by the great majority of the Assembly as their agent to oppose in England the restrictive commercial laws of Grenville. Bernard, however, considering this position incompatible with the office of Lieutenant-Governor, which Hutchinson had held since 1758, induced him to decline it; and although Hutchinson was opposed to the policy of the Stamp Act, the determination with which he acted as Chief Justice in supporting the law soon made him obnoxious to the mob. He had barely time to escape with his family, when his house, which was the finest in Boston, was attacked and destroyed. His plate, his furniture, his pictures, the public documents in his possession, and a noble library which he had spent thirty years in collecting, were plundered and burnt. Resolutions were afterwards carried in the town for suppressing riots, but nothing was done, and it was evident that the prevailing feeling was with the rioters. Mayhew, one of the most popular preachers of Boston, had just before denounced the Stamp Act from the pulpit, preaching from the text, 'I would that they were even cut off which trouble you.' A leading tradesman who had been notoriously a ringleader was apprehended by the sheriffs, but he was released without inquiry in consequence of a large portion of the civic guard having threatened to disband themselves if he were committed to prison. Eight or ten persons of inferior note were actually imprisoned, but the mob compelled the gaoler to surrender the keys and release them, and not a single person was really punished.[1]

The flame rapidly spread. In the newly annexed provinces, indeed, and in most of the West India islands, the Act was received without difficulty, but in

[1] Holmes' *Annals of America*, 1765. Grahame's *Hist.* iv. *Annual Register*, 1765. Adams' Diary, *Works*, ii. 156.

nearly every American colony those who had consented to be stamp distributors were hung and burnt in effigy, and compelled by mob violence to resign their posts. The houses of many who were known to be supporters of the Act or sympathisers with the Government were attacked and plundered. Some were compelled to fly from the colonies, and the authority of the Home Government was exposed to every kind of insult. In New York the effigy of the Governor was paraded with that of the devil round the town and then publicly burnt, and threatening letters were circulated menacing the lives of those who distributed stamps.[1] The merchants of the chief towns entered into agreements to order no more goods from England, to cancel all orders already given, in some cases even to send no remittances to England in payment of their debts, till the Stamp Act was repealed. The lawyers combined to make no use of the stamped papers. In order that the colonies might be able to dispense with assistance from England, great efforts were made to promote manufactures. The richest citizens set the example of dressing in old or homespun clothes rather than wear new clothes imported from England; and in order to supply the deficiency of wool, a general agreement was made to abstain from eating lamb.

When the 1st of November arrived, the bells were tolled as for the funeral of a nation. The flags were hung half-mast high. The shops were shut, and the Stamp Act was hawked about with the inscription, 'The folly of England and the ruin of America.' The newspapers were obliged by the new law to bear the stamp, which probably contributed much to the extreme virulence of their opposition, and many of them now

[1] *Documents relating to the Colonial Hist. of New York*, vii. 770–775.

appeared with a death's head in the place where the stamp should have been. It was found not only impossible to distribute stamps, but even impossible to keep them in the colonies, for the mob seized on every box which was brought from England and committed it to the flames. Stamps were required for the validity of every legal document, yet in most of the colonies not a single sheet of stamped paper could be found. The law courts were for a time closed, and almost all business was suspended. At last the governors, considering the impossibilty of carrying on public business or protecting property under these conditions, took the law into their own hands, and issued letters authorising non-compliance with the Act on the ground that it was absolutely impossible to procure the requisite stamps in the colony.

The determination of the opponents of the Act was all the greater because in the interval between its enactment and the period in which it was to come into operation a change had taken place in the Administration at home. The Grenville Ministry had fallen in July, and had been succeeded by that of Rockingham; and Conway, who had been one of the few opponents of the Stamp Act, was now Secretary of State for the Colonies.

Up to this time colonial affairs had scarcely excited any attention in the English political world. The Duke of Cumberland, in a long and detailed memorial,[1] has recounted the negotiations he was instructed to carry on with Pitt in April and May 1765, with a view to inducing that statesman to combine with the Rockingham party in a new ministry, and it is very remarkable that in this memorial there is not a word relating to the colonies. The general political condition of the

[1] Albemarle's *Life of Rockingham*, i. 185-208.

country was carefully reviewed. Much was said about the Regency Bill, the Cyder Bill, the dismissal of officers on account of their votes, the illegality of general warrants, the abuses of military patronage, the growing power of the House of Bourbon, the propriety of attempting a new alliance with Prussia; but there is not the smallest evidence that either Pitt or Cumberland, or any of the other statesmen who were concerned in the negotiation, were conscious that any serious question was impending in America. The Stamp Act had contributed nothing to the downfall of Grenville; it attracted so little attention that it was only in the last days of 1765 or the first days of 1766 that the new ministers learnt the views of Pitt upon the subject;[1] it was probably a complete surprise to them to learn that it had brought the colonies to the verge of rebellion, and in the first months of their power they appear to have been quite uncertain what policy they would pursue. One of the first persons in England who fully realised the magnitude of the question was the King. On December 5, 1765, he wrote to Conway: 'I am more and more grieved at the accounts of America. Where this spirit will end is not to be said. It is undoubtedly the most serious matter that ever came before Parliament; it requires more deliberation, candour, and temper than I fear it will meet with.'[2]

The ministers would gladly have left the question of American taxation undecided, but this was no longer possible. Parliament had almost unanimously asserted its right, and the colonial Assemblies had defiantly denied it. The servants of the Crown had in nearly every colony been insulted or plundered, and the honour of England and of the Parliament was deeply touched. The Ministry was very weak; Pitt had refused to join it;

[1] Albemarle's *Life of Rockingham*, i. 269. [2] Ibid. i. 256.

the King disliked and distrusted it, and he was strongly in favour of the coercion of America. On the other hand, it was clear that the Act could not be enforced without war, and the merchants all over England were suffering seriously from the suspension of the American trade. Petitions were presented from the traders of London, Bristol, Liverpool, and other towns, stating that the colonists were indebted to the merchants of this country to the amount of several millions sterling for English goods which had been exported to America; that the colonists had hitherto faithfully made good their engagements, but that they now declared their inability to do so; that they would neither give orders for new goods nor pay for those which they had actually received; and that unless Parliament speedily retraced its steps, multitudes of English manufacturers would be reduced to bankruptcy. In Manchester, Nottingham, Leeds, and many other towns, thousands of artisans had been thrown out of employment. Glasgow complained that the Stamp Act was threatening it with absolute ruin, for its trade was principally with America, and not less than half a million of money was due by the colonists of Maryland and Virginia alone to Glasgow merchants.[1]

Parliament met on December 17, 1765, and the attitude of the different parties was speedily disclosed. A powerful Opposition, led by Grenville and Bedford, strenuously urged that no relaxation or indulgence should be granted to the colonists. In two successive sessions the policy of taxing America had been deliberately affirmed, and if Parliament now suffered itself to be defied or intimidated its authority would be for ever at an end. The method of reasoning by which the Americans maintained that they could not be taxed by

[1] *Parl. Hist.* xvi. 133-137; Walpole's *Memoirs*, ii. 296; *Burke's Correspondence*, i. 100.

a Parliament in which they were not represented, might be applied with equal plausibility to the Navigation Act and to every other branch of imperial legislation for the colonies, and it led directly to the disintegration of the Empire. The supreme authority of Parliament chiefly held the different parts of that Empire together. The right of taxation was an essential part of the sovereign power. The colonial constitutions were created by royal charter, and it could not be admitted that the King, while retaining his own sovereignty over certain portions of his dominions, could by a mere exercise of his prerogative withdraw them wholly or in part from the authority of the British Parliament. It was the right and the duty of the Imperial Legislature to determine in what proportions the different parts of the Empire should contribute to the defence of the whole, and to see that no one part evaded its obligations and unjustly transferred its share to the others. The conduct of the colonies, in the eyes of these politicians, admitted of no excuse or palliation. The disputed right of taxation was established by a long series of legal authorities, and there was no real distinction between internal and external taxation. It now suited the Americans to describe themselves as apostles of liberty, and to denounce England as an oppressor. It was a simple truth that England governed her colonies more liberally than any other country in the world. They were the only existing colonies which enjoyed real political liberty. Their commercial system was more liberal than that of any other colonies. They had attained, under British rule, to a degree of prosperity which was surpassed in no quarter of the globe. England had loaded herself with debt in order to remove the one great danger to their future; she cheerfully bore the whole burden of their protection by sea. At the Peace of Paris she had made their interests the very first object of her policy, and she only

asked them in return to bear a portion of the cost of their own defence. Somewhat more than eight millions of Englishmen were burdened with a national debt of 140,000,000*l.* The united debt of about two millions of Americans was now less than 800,000*l.* The annual sum the colonists were asked to contribute in the form of stamp duties was less than 100,000*l.*, with an express provision that no part of that sum should be devoted to any other purpose than the defence and protection of the colonies. And the country which refused to bear this small tax was so rich that in the space of three years it had paid off 1,755,000*l.* of its debt. No demand could be more moderate and equitable than that of England; and amid all the high-sounding declamations that were waited across the Atlantic, it was not difficult to perceive that the true motive of the resistance was of the vulgarest kind. It was a desire to pay as little as possible; to throw as much as possible upon the mother country.

Nor was the mode of resistance more respectable—the plunder of private houses and custom houses; mob violence connived at by all classes and perfectly unpunished; agreements of merchants to refuse to pay their private debts in order to attain political ends. If this was the attitude of America within two years of the Peace of Paris, if these were the first fruits of the new sense of security which British triumphs in Canada had given, could it be doubted that concessions would only be the prelude to new demands? Already the Custom-house officers were attacked by the mobs almost as fiercely as the stamp distributors. Already Otis, the most popular advocate of the American cause, was ridiculing the distinction between internal and external taxation, and denying that the British Legislature possessed any rightful authority in America. Already a highly seditious press had grown up in the colonies, and to talk scarcely disguised treason had become the best

passport to popular favour. It would be impossible for Parliament, if it now receded, to retain permanently any legislative authority over the colonies; and if this, too, were given up, the unity of the Empire would be but a name, and America would in reality contribute nothing to its strength. If ministers now repealed the Stamp Act they would be guilty of treachery to England. They would abdicate a vital portion of the sovereignty which England rightfully possessed. They would humiliate the British Parliament before the Empire and before the world. They would establish the fatal principle that it must never again ask any of the distant portions of the Empire to contribute to the burden of their own permanent defence. They would establish the still more fatal precedent that the best way of inducing Parliament to repeal an obnoxious tax was to refuse to pay it, and to hound on mobs against those who were entrusted with its collection.

These were the chief arguments on the side of the late ministers. Pitt, on the other hand, rose from his sick-bed, and in speeches of extraordinary eloquence, which produced an amazing effect on both sides of the Atlantic, he justified the resistance of the colonists. He stood apart from all parties, and, while he declared that 'every capital measure' of the late ministry was wrong, he ostentatiously refused to give his confidence to their successors. He maintained in the strongest terms the doctrine that self-taxation is the essential and discriminating circumstance of political freedom. His opinion on the great question at issue cannot be better expressed than in his own terse and luminous sentences. 'It is my opinion,' he said, 'that this kingdom has no right to lay a tax upon the colonies. At the same time I assert the authority of this kingdom over the colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever. . . . Taxation

is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. In legislation the three estates of the realm are alike concerned; but the concurrence of the peers and the Crown to a tax is only necessary to close with the form of a law. The gift and grant is of the Commons alone. . . The distinction between legislation and taxation is essentially necessary to liberty. . . The Commons of America, represented in their several Assemblies, have ever been in possession of the exercise of this, their constitutional right of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time this kingdom, as the supreme governing and legislative power, has always bound the colonies . . . in everything, except that of taking their money out of their pockets without their consent.' In his reply to Grenville he reiterated these principles with still stronger emphasis. 'I rejoice,' he said, 'that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. . . . In such a cause your success would be hazardous. America, if she fell, would fall like the strong man with his arms around the pillars of the Constitution. . . . When two countries are connected together like England and her colonies without being incorporated, the one must necessarily govern; the greater must rule the less, but so rule it as not to contradict the fundamental principles that are common to both. If the gentleman does not understand the difference between external and internal taxes, I cannot help it; but there is a plain distinction between taxes levied for the purpose of raising a revenue, and duties imposed for the regulation of trade for the accommodation of the subject; although in the consequences some revenue might incidentally arise from the latter. . . . I will be bold

to affirm that the profit to Great Britain from the trade of the colonies through all its branches is two millions a year. This is the fund that carried you triumphantly through the last war. . . . This is the price America pays for her protection. . . . I dare not say how much higher these profits may be augmented. . . . The Americans have not acted in all things with prudence and temper. They have been driven to madness by injustice. Will you punish them for the madness you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America that she will follow the example. . . . Upon the whole I will beg leave to tell the House what is really my opinion. It is that the Stamp Act should be repealed absolutely, totally, and immediately; that the reason for the repeal should be assigned, because it was founded on an erroneous principle. At the same time let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever—except that of taking their money out of their pockets without their consent.'[1]

These views were defended in the strongest terms by Lord Camden, who pledged his great legal reputation to the doctrine that taxation is not included under the general right of legislation, and that taxation and representation are morally inseparable. 'This position,' he very rashly affirmed, 'is founded on the laws of nature; nay, more, it is itself an eternal law of nature. For

[1] *Chatham Correspondence*, ii. 363-372. Rockingham next day wrote to the King: 'The events of yesterday in the House of Commons have shown the amazing power and influence which Mr. Pitt has whenever he takes part in debate.'—Albemarle's *Life of Rockingham*, i. 270.

whatever is a man's own is absolutely his own. No man has a right to take it from him without his consent, either expressed by himself or representative. Whoever attempts to do it attempts an injury. Whoever does it commits a robbery.'[1]

The task of the ministers in dealing with this question was extremely difficult. The great majority of them desired ardently the repeal of the Stamp Act; but the wishes of the King, the abstention of Pitt, and the divided condition of parties had compelled Rockingham to include in his Government Charles Townshend, Barrington, and Northington, who were all strong advocates of the taxation of America, and Northington took an early opportunity of delivering an invective against the colonies which seemed specially intended to prolong the exasperation. 'If they withdraw allegiance,' he concluded, 'you must withdraw protection, and then the little State of Genoa or the kingdom of Sweden may soon overrun them.' The King himself, though he was prepared to see the Stamp Act altered in some of its provisions, was decidedly hostile to the repeal. When the measure was first contemplated, two partisans of Bute came to the King offering to resign their places, as they meant to oppose the repeal, but they were at once told that they might keep their places and vote as they pleased. The hint was taken, and the King's friends were among the most active, though not the most conspicuous, opponents of the ministers.[2] And in addition to all these difficulties the ministers had to deal with the exasperation which was produced in Parliament by the continual outrages and insults to which all who represented the English Government in America were exposed.

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[1] *Parl. Hist.* xvi. 178.

[2] *Grenville Papers*, iii. 353, 362, 365. Albemarle's *Life of Rockingham*.

Their policy consisted of two parts. They asserted in the strongest and most unrestricted form the sovereignty of the British Legislature, first of all by resolutions and then by a Declaratory Act affirming the right of Parliament to make laws binding the British colonies 'in all cases whatsoever,' and condemning as unlawful the votes of the colonial Assemblies which had denied to Parliament the right of taxing them. Side by side with this measure they brought in a Bill repealing the Stamp Act.[1] It was advocated both in its preamble and in the speeches of its supporters on the ground of simple expediency. The Stamp Act had already produced evils far outweighing any benefits that could flow from it. To enforce it over a vast and thinly populated country, and in the face of the universal and vehement opposition of the people, had proved hitherto impossible, and would always be difficult, dangerous, and disastrous. It might produce rebellion. It would certainly produce permanent and general disaffection, great derangement of commercial relations, a smothered resistance which could only be overcome by a costly and extensive system of coercion. It could not be wise to convert the Americans into a nation of rebels who were only waiting for a European war to throw off their allegiance. Yet this would be the natural and almost inevitable consequence of persisting in the policy of Grenville. The chief interests of England in her colonies were commercial, and these had been profoundly injured by the Stamp Act. As long as it continued, the Americans were resolved to make it their main effort to abstain as much as possible from English goods, and the English commercial classes were unanimous in favour of the repeal. The right of the country was affirmed and the honour of Parliament vindicated by

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[1] 6 Geo. III. c. 11, 12.

the Declaratory Act. It now remained only—if possible without idle recrimination—to pursue the course which was most conducive to the interests of England. And that course was plainly to retire from a position which had become utterly untenable.

The debates on this theme were among the fiercest and longest ever known in Parliament. The former ministers opposed the repeal at every stage, and most of those who were under the direct influence of the King plotted busily against it. Nearly a dozen members of the King's household, nearly all the bishops, nearly all the Scotch, nearly all the Tories voted against the ministry, and in the very agony of the contest Lord Strange spread abroad the report that he had heard from the King's own lips that the King was opposed to the repeal. Rockingham acted with great decision. He insisted on accompanying Lord Strange into the King's presence, and in obtaining from the King a written paper stating that he was in favour of the repeal rather than the enforcement of the Act, though he would have preferred its modification to either course. The great and manifest desire of the commercial classes throughout England had much weight; the repeal was carried through the House of Commons, brought up by no less than 200 members to the Lords, and finally carried amid the strongest expressions of public joy. Burke described it as 'an event that caused more universal joy throughout the British dominions than perhaps any other that can be remembered.'[1]

Of these two measures the repeal of the Stamp Act was that which was most violently denounced at the time; but the Declaratory Act, which passed almost unopposed, is the one which now requires defence. It

[1] Albemarle's *Life of Rockingham*, i. 250, 292, 299–302, 314, 321. *Annual Register*, 1766. *Grenville Papers*, iii. 353–370.

has been represented as the source of all the calamities that ensued, for as long as the right of Parliament to tax America was asserted, the liberty of the colonies was precarious. I have already stated my opinion that no just blame attaches to the ministry on this matter. It would no doubt have been better if the question of the right of taxation had never been raised, and no one asserted this more constantly than Burke, who largely inspired the policy of the Government. But the ministers had no alternative. Parliament had already twice asserted its right to tax. With the exception of Lord Camden, the first legal authorities in the country unanimously maintained it. The Americans had openly denied it, and they had aggravated their denial by treating an Act of Parliament and those who were appointed to administer it with the grossest outrage. It was quite impossible that Parliament with any regard to its own dignity could acquiesce tamely in these proceedings. It was quite impossible that a weak ministry, divided on this very question and undermined by the Court, could have carried the repeal, if it had been unaccompanied by an assertion of parliamentary authority on the matter that was in dispute. All accounts concur in showing that the proceedings of the Americans had produced a violent and very natural irritation,[1] and every mail brought news which was only too well fitted to aggravate it. The judgment on this subject of Sir George Savile, who was one of the most sagacious members of the Rockingham party, is of great weight. In a letter addressed to the Americans he wrote: 'You

[1] Thus Shelburne reported to Pitt, December 21, 1765. 'The prejudice against the Americans on the whole seemed very great, and no very decided opinion in favour of the ministry.'—*Chatham Correspondence*, ii. 355. Walpole says: 'As the accounts from America grew every day worse, the ministers, who at first were inclined to repeal the Act, were borne down by the flagrancy of the provocation.'—*Memoirs of George III.* ii. 221.

should know that the great obstacle in the way of the ministers has been unhappily thrown in by yourselves —I mean the intemperate proceedings of various ranks of people on your side the water—and that the difficulties of the repeal would have been nothing if you had not by your violence in word and action awakened the honour of Parliament, and thereby involved every friend of the repeal in the imputation of betraying the dignity of Parliament. This is so true that the Act would certainly not have been repealed if men's minds had not been in some measure satisfied with the Declaration of Right.'[1]

Franklin, in the very remarkable evidence which he at this time gave before a committee of the House of Commons about the political condition and prospects of America, having been asked whether he thought the Americans would be contented with a repeal of the Stamp Act even if it were accompanied by an assertion of the right of Parliament to tax them, answered, 'I think the resolutions of right will give them very little concern, if they are never attempted to be carried into practice.'[2] There can be little doubt that this judgment was a just one. All testimony concurs in showing that the repeal of the Stamp Act produced, for a time

[1] Albemarle's *Life of Rockingham*, i. 305. Charles Fox, in a speech which he made on December 10, 1777, fully corroborated this assertion, and declared that 'it was not the inclination of Lord Rockingham, but the necessity of his situation, which was the cause of the Declaratory Act.'—*Parl. Hist.* xix. 563. The Duke of Richmond, who on all American questions was one of the most prominent members of the Rockingham party, said in 1778, 'that with respect to the Declaratory Act, any reason that ever weighed with him in favour of that Act was to obtain the repeal of the Stamp Act. Many people of high principles would never, in his opinion, have been brought to repeal the Stamp Act without it; the number of those who opposed that repeal, even as it was, were very numerous.'—*Chatham Correspondence*, iv. 501, 502.

[2] Franklin's *Works*, iv. 176.

at least, a complete pacification of America. As Adams, who was watching the current of American feeling with great keenness, wrote, 'The repeal of the Stamp Act has hushed into silence almost every popular clamour, and composed every wave of popular disorder into a smooth and peaceful calm.' [1]

In addition to these measures, the colonial Governors were instructed to ask the Assemblies to compensate those whose property had been destroyed in the late riots. An Act was carried indemnifying those who had violated the Stamp Act, and some considerable changes were made in that commercial system which was by far the most real of the grievances of America. It was impossible for a Government which had just won a great victory for the Americans, by the assistance of the commercial and manufacturing classes, to touch either the laws prohibiting some of the chief forms of manufacture in the colonies or the general principle of colonial monopoly; and the favourite argument of the opponents of the Stamp Act was that the trade advantages arising from that monopoly were the real contribution of America to the defence and prosperity of the Empire. Within these limits, however, much remained

[1] Adams' Diary. *Works*, ii. 203. Adams' biographer says the colonists 'received the repeal of the Stamp Act with transports of joy, and disregarded the mere empty declaration of a right which they flattered themselves was never to be exercised. The spirit of resistance immediately subsided, and a general tranquillity prevailed until the project of levying internal taxes upon the people of the colonies by Act of Parliament was resumed in England.' Ibid. i. 81, 82. Burke in his great speech in 1774 on the American question, speaking of the repeal of the Stamp Act, said: 'I am bold to say, so sudden a calm, recovered after so violent a storm, is without parallel in history.' The testimony of Hutchinson is equally decisive. 'The Act which accompanied it [the repeal of the Stamp Act] with the title of "Securing the Dependency of the Colonies," caused no allay of the joy, and was considered as mere naked form.'. *Hist. of Massachusetts Bay*, p. 147.

to be done. The restrictions imposed upon the trade with the French West India islands, and especially upon the importation of molasses, had been, as we have seen, the main practical grievance of the commercial system. The prohibition of manufactures, however unreasonable and unjust, was of no serious consequence to a country where agriculture, fisheries, and commerce were naturally the most lucrative forms of enterprise; but an abundant supply of molasses was essential to the great distilleries at Boston. The duty when it was 1*s.* a gallon had been a mere dead letter. When Grenville reduced it to 6*d.* a gallon, the most violent measures had still been unable to suppress a great smuggling trade, and the duty only yielded 2,000*l.* a year. The Rockingham Government lowered it to 1*d.*, and this small duty, being no longer a grievance, produced no less than 17,000*l.* The duties imposed on coffee and pimento from the British plantations, and on foreign cambrics and lawns, imported into America, were at the same time lowered; and the British West India islands, in whose favour the colonial trade with the French islands had been restricted, were compensated by the opening in them of some free ports and by some other commercial favours.[1]

'The Americans,' said Chatham a few years later, when describing this period, 'had almost forgot, in their excess of gratitude for the repeal of the Stamp Act, any interest but that of the mother country; there seemed an emulation among the different provinces who should be most dutiful and forward in their expressions of loyalty.'[2] The Rockingham Ministry had undoubtedly, under circumstances of very great difficulty, restored confidence to America, and concluded for the present a

[1] Macpherson's *Annals of Commerce*, iii. 446, 447.

[2] Thackeray's *Life of Chatham*, ii. 263.

contest which would probably have ended in a war In most of the provincial Assemblies and in many public meetings of citizens, addresses of thanks were carried to the King, to the Ministry, to Pitt, Camden, and Barré; and in more than one province statues were raised to the King and to Pitt. The shrewd Philadelphian Quakers passed a characteristic resolution, 'that to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will on the 4th of June next, being the birthday of our gracious Sovereign, dress ourselves in a new suit of the manufactures of England, and give what homespun clothes we have to the poor.'[1] A feeling of real and genuine loyalty to the mother-country appears to have at this time existed in the colonies, though it required much skill to maintain it.

The Americans had in truth won a great victory, which inspired them with unbounded confidence in their strength. They had gone through all the excitement of a violent and brilliantly successful political campaign; they had realised for a time the union which appeared formerly so chimerical; they had found their natural leaders in the struggle, and had discovered the weakness of the mother country. Many writers and speakers had arisen who had learnt the lesson that a defiance of English authority was one of the easiest and safest paths to popular favour, and the speeches of Pitt had kindled a fierce enthusiasm of liberty through the colonies. There was no want of men who regretted that the agitation had ceased, who would gladly have pressed on the struggle to new issues, and who were ready to take advantage of the first occasion for quarrel. It was not easy for an ambitious man in these distant colonies to make his name known to the world; but if events ever

[1] *Annual Register*, 1766, p. 114.

led to a collision, a great field of ambition would be suddenly opened. Besides this, principles of a far-reaching and revolutionary character had become familiar to the people. It is a dangerous thing when nations begin to scrutinise too closely the foundations of political authority, the possible results to which political principles may logically lead, the exact limits by which the different powers of a heterogeneous and prescriptive government must be confined. The theory of English lawyers that a Parliament in which the Americans were unrepresented might fetter their commerce in all its parts, and exact in taxation the last shilling of their fortunes, and that their whole representative system existed only by the indulgence of England, would, if fully acted on, have reduced the colonies to absolute slavery. On the other hand, Otis and other agitators were vehemently urging that the principles of Chatham and Camden would authorise the Americans to repudiate all parliamentary restrictions on American trade. No objection seems indeed to have been felt to the bounties which England conferred upon it, or to the protection of their coasts by English vessels; but in all other respects parliamentary interference was profoundly disliked. Lawyers had assumed during the late troubles a great prominence in colonial politics, and a litigious, captious, and defining spirit was abroad.

It was noticed that in the addresses to the King and to the Government thanking them for the repeal of the Stamp Act, as little as possible was said about the supremacy of Parliament, and in the most exuberant moments of colonial gratitude there were no signs of any disposition, in any province, to undertake, under proper guarantees and limitation, the task of supporting English troops stationed in America. Had the colonies after the Peace of Paris been willing to contribute this small service to the support of the Empire, the constitu-

tional question might never have been raised; had they now offered to do so, it would probably never have been revived. The requisitions to the colonial Assemblies to compensate the sufferers in the late riots were very unpopular. In one or two provinces the money was, it is true, frankly and promptly voted; but in most cases there was much delay. Massachusetts, where the most scandalous riots took place, rebelled violently against the too peremptory terms of the requisition; refused at first to pass any vote of compensation; yielded at last, after a long delay, and by a small majority, but accompanied its grant by a clause indemnifying the rioters, which was afterwards annulled by the King.

Bernard, who since the beginning of 1760 had been Governor of Massachusetts, had of late become extremely unpopular, and his name has been pursued with untiring virulence to the present day. His letters are those of an honest and rather able, but injudicious and disputatious man, who was trying, under circumstances of extreme difficulty, to do his duty both to the Government and the people, but who was profoundly discontented with the constitution of the province. In 1763 and 1764 he exerted all his influence to procure the lowering or the abolition of the duties in the Sugar Act, and in general a larger amount of free trade for the colonies. In 1765 he opposed the Stamp Act as inexpedient, though he maintained that Parliament had the right of taxing the colonies, provided those taxes were exclusively applied for the benefit of those who paid them. Up to this time he appears to have been generally liked and esteemed;[1] but he was now called upon to take the most prominent part in maintaining the policy of the English Government, and his letters give a vivid picture of the difficulties he encountered. He describes

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[1] See Hutchinson, p. 254.

himself as placed 'in the midst of those who first stirred up these disturbances, without a force to protect my person, without a council to advise me, watched by every eye, and misrepresented or condemned for everything I do on the King's behalf.' He laments that the governments of the colonies 'were weak and impotent to an amazing degree,' that 'the governors and officers of the Crown were in several of the chief provinces entirely dependent upon the people for subsistence,' that 'the persons of the governors and Crown officers are quite defenceless and exposed to the violence of the people, without any possible resort for protection,' and he continually urged that as long as the Council, which was the natural support of the Executive, was elected annually by the Assembly, and as long as almost all the civil officers were mainly dependent for their salaries on an annual vote of the Assembly, it would be impossible to enforce in Massachusetts any unpopular law or to punish any outrage which was supported by popular favour. It was his leading doctrine that if British rule was to be perpetuated in America, and if a period of complete anarchy was to be averted, it was necessary to put an end to the obscurity which rested upon the relations of the colonies to the Home Government; to establish finally and decisively the legislative ascendency of the British Parliament, and to remodel the constitutions of the colonies on a uniform type. He proposed that the Assemblies should, as at present, remain completely representative; but that the democratic element in the Constitution should be always balanced by a council consisting of a kind of life peers, appointed directly by the King, and that there should be a fixed civil list from which the King's officers should derive a certain provision. As such changes were wholly incompatible with the charters of the more democratic colonies, he proposed that American representatives

should be temporarily summoned to the British Parliament, and that Parliament should then authoritatively settle the colonial system.[1]

These views were of course at first only communicated confidentially to the Government, but in the open acts of Bernard there was much that was offensive to the people. His addresses were often very injudicious; he had a bad habit of entering into elaborate arguments with the Assembly, and he was accused of straining the small amount of prerogative which he possessed. The Assembly, shortly after the repeal of the Stamp Act, showed its gratitude by electing Otis, the most violent assailant of the whole legislative authority of England, as its Speaker, and Bernard negatived the choice. The Assembly, contrary to immemorial usage, refused to elect Hutchinson, the Lieutenant-Governor, Oliver, the Secretary of the Province, and the other chief officers of the Crown, members of the Council. Bernard remonstrated strongly against the exclusion; he himself negatived six 'friends of the people' who had been elected, and he countenanced a claim of Hutchinson to take his seat in his capacity of Lieutenant-Governor among the councillors. The relations between the Executive and the Assembly were thus extremely tense, while the inhabitants of Boston were very naturally and very pardonably intoxicated with the triumph they had obtained. The little town, which was probably hardly known even by name in Europe outside commercial circles, had bearded the Government of England, and it was deeply sensible of the heroism it had displayed. The rioters were never punished, but were, on the contrary, the objects of general sympathy, and the 'sons of liberty' resolved to meet annually to commemorate

[1] He proposed that thirty representatives should be sent from the continental colonies, and fifteen from the islands.—*Letters of George Bernard*, p. 34.

their resistance to the Stamp Act, and to express their admiration for one another. Attempts to enforce the revenue Acts were continually resisted. It was observed that the phrase, 'No representation, no taxation!' which had been the popular watch-cry, was beginning to be replaced by the phrase, 'No representation, no legislation!' and many 'patriots' whose names are emblazoned in American history, with unbounded applause and with the most perfect security were hurling highly rhetorical defiances at the British Government.

The clause in the Mutiny Act requiring the colonists to supply English troops with some of the first necessaries of life, was another grievance. Boston, as usual, disputed it at every point with the Governor; and New York positively refused to obey. In a very able book called 'The Farmer's Letters,' written by a lawyer named Dickinson, which appeared about this time, it was maintained that if the British Legislature has the right of ordering the colonies to provide a single article for British troops, it has a right to tax: 'An Act of Parliament commanding to do a certain thing, if it has any validity, is a tax upon us for the expense that accrues in complying with it.'

It is evident that great wisdom, moderation, and tact were needed if healthy relations were to be established between England and her colonies, and unfortunately these qualities were conspicuously absent from English councils. The downfall of the Rockingham Ministry, and the formation of a ministry of which Grafton was the nominal and Pitt the real head, seemed on the whole a favourable event. The influence and popularity of Pitt were even greater in America than in England. His acceptance of the title of Earl of Chatham, which injured him so deeply in English opinion, was a matter of indifference to the colonists;

and he possessed far beyond all other English statesmen the power of attracting or conciliating great bodies of men, and firing them with the enthusiasm of loyalty or patriotism. Camden, who next to Chatham was the chief English advocate of the colonial cause, was Chancellor. Conway, who moved the repeal of the Stamp Act, was one of the Secretaries of State; and Shelburne, who at the age of twenty-nine was placed over American affairs, had on the question of taxing America been on the side of Chatham and Camden. Illness, however, speedily withdrew Chatham from public affairs, and in the scene of anarchy which ensued it was left for the strongest man to seize the helm. Unfortunately, in the absence of Chatham, that man was unquestionably the Chancellor of the Exchequer, Charles Townshend.

From this time the English government of America is little more than a series of deplorable blunders. A feeling of great irritation against the colonies had begun to prevail in English political circles. The Court party continually repeated that England had been humiliated by the repeal of the Stamp Act.[1] Grenville maintained that if that Act had been enforced with common firmness, the stamp duties in America would soon have been collected with as little difficulty as the land tax in England; and he pointed to the recent news as a conclusive proof that the policy of conciliation had failed; and that through the vacillation or encouragement of English statesmen, the spirit of rebellion and of anarchy was steadily growing beyond the Atlantic. There was a general feeling that it was perfectly equitable that America should support an army for her own defence,

[1] 'The whole body of courtiers drove him [Charles Townshend] onwards. They always talked as if the King stood in a sort of humiliated state until something of the kind should be done.'—Burke's Speech on American Taxation (1774).

and for that of the neighbouring islands; and also, that this had become a matter of vital and pressing importance to the British Empire. The political correspondence of the time teems with intimations of the incessant activity with which France and Spain were intriguing to regain the position they had lost in the late war. The dispute about the Manilla ransom and the annexation of Corsica were the most conspicuous, but they were not the most significant, signs of the attitude of those Powers. Plans for the invasion of England had been carefully elaborated. French spies had surveyed the English coast. In 1764 and 1765 an agent of Choiseul had minutely studied the American colonies, and had reported to his master that the English troops were so few and scattered that they could be of no real service, and that democratic and provincial jealousy had prevented the erection of a single citadel in all New England.[1] The King fully agreed with his wisest ministers that the army was wholly insufficient to protect the Empire, and the scheme of Chatham for averting the rapidly growing dangers from France by a new alliance with Prussia had signally failed. England was beginning to learn the lesson that in the crisis of her fate she could rely on herself alone, and that in political life gratitude is of all ties the frailest and the most precarious. At the same time, the country gentlemen who remembered the days of Walpole, when England was more prosperous though less great, murmured at the heavy land tax in time of peace, and had begun to complain bitterly that the whole expense of the defence of wealthy colonies was thrown on them. The factious vote, in which the partisans of Grenville and most of the partisans of Rockingham, with the notable exception of Burke, con-

[1] Bancroft, iii. 28. Fitzmaurice's *Life of Shelburne*, ii. 3-5.

curred, which reduced the land tax proposed by the Government from 4*s.* to 3*s.* in the pound, made it necessary to seek some other source of revenue.[1] Shelburne himself fully adopted the view that America should support her own army, and he imagined that if it were reduced to the smallest proportions the required sum might be gradually raised by enforcing strictly the quit rents of the Crown, which appear to have fallen into very general neglect, and by turning the grants of land to real benefit.[2] Townshend, however, had other schemes, and he lost little time in forcing them upon Parliament.

On January 26, 1767, in a debate on the army, George Grenville moved that America, like Ireland, should support an establishment of her own; and in the course of the discussion which followed, Townshend took occasion to declare himself a firm advocate of the principle of the Stamp Act. He described the distinction between external and internal taxes as ridiculous, in the opinion of every one except the Americans; and he pledged himself to find a revenue in America nearly sufficient for the purposes that were required.[3] His colleagues listened in blank astonishment to a pledge which was perfectly unauthorised by the Cabinet, and indeed contrary to the known decision of all its mem-

[1] See vol. iii. p. 301.

[2] 'The forming of an American fund to support the exigencies of government in the same manner as is done in Ireland, is what is so highly reasonable that it must take place sooner or later. The most obvious manner of laying a foundation for such a fund seems to be by taking proper care of the quit lands, and by turning the grants of land to real benefit.'—Fitzmaurice's *Life of Shelburne*, ii. 35.

[3] There are two accounts of this speech: the first in a letter from Lord Charlemont to Flood (Jan. 29), *Chatham Correspondence*, iii. 178, 179; the other in a letter from Shelburne to Chatham (Feb. 1), Ibid. iii. 182–188. See, too, *Grenville Papers*, iv. 211, 222, and the extracts from the Duke of Grafton's Memoirs in Lord Stanhope's *History*, v. App. xvii. xviii.

bers; but, as the Duke of Grafton afterwards wrote, no one in the ministry had sufficient authority in the absence of Chatham to advise the dismissal of Townshend, and this measure alone could have arrested his policy. Shelburne, who was the official chief of the colonies, wrote to Chatham, who was then an almost helpless invalid, relating the circumstances and expressing his complete ignorance of the intentions of his colleague. The news had just arrived that New York had openly repudiated an Act of Parliament by refusing to furnish troops with the first necessaries of life; and it produced an indignation in Parliament which Chatham himself appears fully to have shared. 'America,' he wrote confidentially to Shelburne, 'affords a gloomy prospect. A spirit of infatuation has taken possession of New York. Their disobedience to the Mutiny Act will justly create a great ferment here, open a fair field to the arraigners of America, and leave no room to any to say a word in their defence. I foresee confusion will ensue. The petition of the merchants of New York is highly improper; . . . . they are doing the work of their worst enemies themselves. The torrent of indignation in Parliament will, I apprehend, become irresistible.'[1] In a letter written a few days later he says, 'The advices from America afford unpleasing views. New York has drunk the deepest of the baneful cup of infatuation, but none seem to be quite sober and in full possession of reason. It is a literal truth to say that the Stamp Act of most unhappy memory has frightened those irritable and umbrageous people quite out of their senses.'[2] Letters from colonial governors painted the state of feeling in the darkest colours. At every election, in the bestowal of every kind of popular favour, to have opposed parliamentary authority in

[1] *Chatham Correspondence*, iii. 188, 189. [2] Ibid. p. 193.

America was now the first title to success; to have supported it, the most fatal of disqualifications. The pulpit, the press, the lawyers, the 'sons of liberty'—all those classes who subsist or flourish by popularity—were busy in inflaming the jealousy against England, and in extending the field of conflict. There was a general concurrence of opinion among American officials that, even apart from the necessity of providing for the defence of the colonies, it was indispensable, if any Act of Parliament was henceforth to be obeyed, that a small army should be permanently established in America, and that the Executive should be strengthened by making at least the governor, who represented the English Crown, and the judges, who represented English law, independent of the favour of the Assemblies. It is remarkable that among the officials who advocated these views was the son of Benjamin Franklin, who had been appointed Crown Governor of New Jersey. It was urged, too, that the more democratic constitutions among the colonies must be remodelled; that, while the Assembly should always be the legitimate and unfettered representative of the people, the Council must always be chosen by the Governor.

Very strong arguments might be urged in favour of these changes; but there was one still stronger against them—that it was absolutely impossible to effect them. On May 13, 1767, however, when Chatham was completely incapacitated, and when all other statesmen had sunk before the ascendency of Townshend, the Chancellor of the Exchequer brought in his measure. With that brilliancy of eloquence which never failed to charm the House, he dilated upon the spirit of insubordination that was growing up in all the colonies, upon the open defiance of an Act of Parliament by New York, and upon the absolute necessity of asserting with dignity and decision the legal ascendency of Parliament. The

measures which he ultimately brought forward and carried were of three kinds. By one Act of Parliament the legislative functions of the New York Assembly were suspended, and the Governor was forbidden to give his sanction to any local law in that province till the terms of the Mutiny Act had been complied with.[1] By another Act a Board of Commissioners of the Customs with large powers was established in America for the purpose of superintending the execution of the laws relating to trade.[2] By a third Act the proposal of taxing America was resumed. Townshend explained that the distinction between internal and external taxation was in his eyes entirely worthless; but in the discussions on the Stamp Act the Americans had taken their stand upon it. They had represented it as transcendently important, and had professed to be quite willing that Parliament should regulate their trade by duties, provided it raised no internal revenue. This distinction Townshend said he would observe. He would raise a revenue, but he would do so only by a port duty imposed upon glass, red and white lead, painters' colours, paper, and tea, imported into the colonies. The charge on the last-named article was to be 3*d.* in the pound. The whole annual revenue expected from these duties amounted to less than 10,000*l.*,[3] and it was to be employed in giving a civil list to the Crown. Out of that civil list, salaries were to be paid to the governors and judges in America; and in the very improbable event of there being any surplus, it was to go towards defraying the expense of protecting the colonies. In order to assist in the enforcement of the law, writs of assistance were formally legalised. Coffee and cocoa exported from England to the colonies were at the same

[1] 7 Geo. III. c. 59.
[2] Ibid. c. 41.
[3] Walpole's *Memoirs of George III.* iii. 28.

time freed from the duty which they had previously paid on importation into England. Tea exported to the colonies obtained a similar indulgence for five years, but the drawback on the export of china earthenware to America was withdrawn.[1]

It is a strange instance of the fallibility of political foresight if Townshend imagined that America would acquiesce in these measures, that England possessed any adequate means of enforcing them, or that she could a second time recede from her demands and yet maintain her authority over the colonies. It is mournful to notice how the field of controversy had widened and deepened, and how a quarrel which might at one time have been appeased by slight mutual concessions was leading inevitably to the disruption of the Empire. England was originally quite right in her contention that it was the duty of the colonies to contribute something to the support of the army which defended the unity of the Empire. She was quite right in her belief that in some of the colonial constitutions the Executive was far too feeble, that the line which divides liberty from anarchy was often passed, and that the result was profoundly and permanently injurious to the American character. She was also, I think, quite right in ascribing a great part of the resistance of America to the disposition, so common and so natural in dependencies, to shrink as much as possible from any expense that could possibly be thrown on the mother country, and in forming a very low estimate of the character and motives of a large proportion of those ambitious lawyers, newspaper writers, preachers, and pamphleteers who, in New England at least, were labouring with untiring assiduity to win popular applause by sowing dissension between England and her colonies. But the Americans were

[1] 7 Geo. III. c. 46, 56.

only too well justified in asserting that the suppression of several of their industries and the monopoly by England of some of the chief branches of their trade, if they did not benefit the mother country, at least imposed sacrifices on her colonies fully equivalent to a considerable tax.[1] They were also quite justified in contending that the power of taxation was essential to the importance of their Assemblies, and that an extreme jealousy of any encroachment on this prerogative was in perfect accordance with the traditions of English liberty. They had before their eyes the hereditary revenue, the scandalous pension list, the monstrous abuses of patronage, in Ireland, and they were quite resolved not to suffer similar abuses in America.[2] The judges only held their seats during the royal pleasure. Ministerial patronage in the colonies, as elsewhere, was often grossly corrupt,[3] and in the eyes of the colonists

[1] See the 'Cause of American Discontents before 1768.'—Franklin's *Works*, iv. 250, 251.

[2] See a powerful statement of the abuses in Ireland in the *Farmer's Letters*, No. 10.

[3] In a private letter written by General Huske, a prominent American who was residing in England in 1758, there is an extraordinary, though probably somewhat overcharged, account of English appointments in America. 'For many years past . . . . most of the places in the gift of the Crown have been filled with broken Members of Parliament, of bad if any principles, pimps, valets de chambre, electioneering scoundrels, and even livery servants. In one word, America has been for many years made the hospital of Great Britain for her decayed courtiers, and abandoned, worn-out dependents. I can point you out a chief justice of a province appointed from home for no other reason than publicly prostituting his honour and conscience at an election; a livery servant that is secretary of a province, appointed from hence; a pimp, collector of a whole province, who got this place of the man in power for prostituting his handsome wife to his embraces and procuring him other means of gratifying his lust. Innumerable are instances of this sort in places of great trust.'—Phillimore's *Life of Lyttelton*, ii. 604. In Parliament Captain Phipps, speaking of America, said, 'Individuals have been taken from the gaols to preside in the seat of justice; offices have been given to men who had never seen

the annual grant was the one efficient control upon maladministration.

A period of wild and feverish confusion followed. Counsels of the most violent kind were freely circulated, and for a time it seemed as if the appointment of the new Board of Commissioners would be resisted by force; but Otis and some of the other popular leaders held back from the conflict, and in several colonies a clear sense of the serious nature of the struggle that was impending exercised a sobering influence. Georgia, which had been inclined to follow the example of New York, was brought to reason by the prospect of being left without the protection of English troops in the midst of the negroes and the Indians.[1] The central and southern colonies hesitated for some time to follow the lead of New England. Hutchinson wrote to the Government at home that Boston would probably find no other town to follow her in her career of violence; and De Kalb, the secret agent of Choiseul, who was busily employed in fomenting rebellion in the colonies, appears for a time to have thought it would all end in words, and that England, by keeping her taxes within very moderate limits, would maintain her authority.[2] Massachusetts, however, had thrown herself with fierce energy into the conflict, and she soon carried the other provinces in her wake. Non-importation agreements binding all the inhabitants to abstain from English manufactures, and especially from every article on which duties were levied in England, spread from colony to colony, and the Assembly of Massachusetts issued a circular addressed to all the other colonial Assemblies denouncing the new laws as unconstitutional, and inviting the different Assemblies to take

America.'—*Cavendish Debates*, i. 91.

[1] Hildreth, ii. 540.

[2] Bancroft, iii. 116, 140.

united measures for their repeal. The Assembly at the same time drew up a petition to the King and addresses to the leading English supporters of the American cause.[1] These addresses, which were intended to act upon English opinion, were composed with great ability and moderation; and while expressing the firm resolution of the Americans to resist every attempt at parliamentary taxation, they acknowledged fully the general legislative authority of Parliament, and disclaimed in the strongest language any wish for independence.

In America the language commonly used was less decorous. One of the Boston newspapers dilated furiously upon the 'obstinate malice, diabolical thirst for mischief, effrontery, guileful treachery, and wickedness' of the Governor[2] in such terms that the paper was brought before the Assembly, but that body would take no notice of it, and the grand jury refused to find a true bill against its publisher. The Commissioners of the revenue found that it was idle to attempt to enforce the Revenue Acts without the presence of British troops. Riots were absolutely unpunished, for no jury

[1] In their petition to the King they say, 'With great sincerity permit us to assure your Majesty that your subjects of this province ever have, and still continue to acknowledge your Majesty's High Court of Parliament, the supreme legislative power of the whole Empire, the superintending authority of which is clearly admitted in all cases that can consist with the fundamental rights of nature and the Constitution.' 'Your Lordship,' they wrote to Shelburne, 'is too candid and just in your sentiments to suppose that the House have the most distant thought of independency of Great Britain.' 'So sensible are the members of this House,' they wrote to Rockingham, 'of their happiness and safety in their union with and dependence upon the mother-country, that they would by no means be inclined to accept of an independency if offered to them.' *The true Sentiments of America, as contained in a Collection of Letters sent from the House of Representatives of Massachusetts Bay to several Persons of High Rank in this Kingdom.* London, 1768.

[2] Bancroft. Hutchinson.

would convict the rioters. Bernard wrote that his position was one of utter and humiliating impotence, and that the first condition of the maintenance of English authority in Massachusetts was to quarter a powerful military force at Boston.

While these things were happening in America, the composition of the Ministry at home was rapidly changing. On September 4, 1767, after a short fever, Charles Townshend died, leaving to his successors the legacy of his disastrous policy in America, but having achieved absolutely nothing to justify the extraordinary reputation he possessed among his contemporaries. Nothing of the smallest value remains of an eloquence which some of the best judges placed above that of Burke and only second to that of Chatham,[1] and the two or three pamphlets which are ascribed to his pen hardly surpass the average of the political literature of the time. Exuberant animal spirits, a brilliant and ever ready wit, boundless facility of repartee, a clear, rapid, and spontaneous eloquence, a gift of mimicry which is said to have been not inferior to that of Garrick and of Foote, great charm of manner, and an unrivalled skill in adapting himself to the moods and tempers of those who were about him, had made him the delight of every circle in

[1] Flood, in a letter to Charlemont, describing a debate in which almost all the chief speakers in Parliament had exerted themselves, says that 'Burke acquitted himself very honourably,' but there was 'no one person near Townshend. He is an orator. The rest are speakers.'—*Original Letters to Flood*, p. 27. Walpole, in his numerous allusions to his speeches, describes him as greatly superior to Burke in brilliancy and spontaneity of wit, to Chatham in solid sense, and to every other speaker in histrionic power.—*Memoirs of George III.* See especially, ii. 275; iii. 23-27. Sir George Colebrooke said that 'Nobody excepting Mr. Pitt possessed a style of oratory so perfectly suited to the House' (Walpole's *George III.* iii. 102). And Thurlow described him as 'the most delightful speaker he ever knew.' —Nicholls' *George III.* p. 26.

which he moved, the spoilt child of the House of Commons. He died when only forty-two, but he had already much experience of official life. He had been made a Lord of the Admiralty in 1754, Treasurer of the Chamber and member of the Privy Council in 1756, Secretary of War in 1761, President of the Board of Trade in 1763, Paymaster-General in 1765, Chancellor of the Exchequer in 1766. The extraordinary quickness of apprehension which was his most remarkable intellectual gift, soon made him a perfect master of official business, and no man knew so well how to apply his knowledge to the exigencies of debate, and how to pursue every topic to the exact line which pleased and convinced without tiring the House. Had he possessed any earnestness of character, any settled convictions, any power of acting with fidelity to his colleagues, or any self-control, he might have won a great name in English politics. He sought, however, only to sparkle and to please, and was ever ready to sacrifice any principle or any connection for the excitement and the vanity of a momentary triumph. In the absence of Chatham, whom he disliked and feared, he had been rapidly rising to the foremost place. He had obtained a peerage for his wife, and the post of Lord Lieutenant of Ireland for his brother; he had won the favour of the King, and was the idol of the House of Commons, and he had forced the Government into a line of policy which was wholly opposed to that of Camden, Grafton, and Shelburne. In a few months, or perhaps weeks, he would probably have been the head of a new ministry. Death called him away in the full flush of his triumph and his powers, and he obeyed the summons with the same good-humoured levity which he had shown in so many periods of his brief and agitated career.[1]

[1] Townshend is now chiefly remembered by the singularly beautiful character of him in Burke's speech on American

He was replaced by Lord North, the favourite minister of the King, and one of the strongest advocates of American taxation, and in the course of the next few months nearly all those who were favourable to America disappeared from the Government. Conway, Shelburne, and Chatham successively resigned, and though Camden remained for a time in office he restricted himself exclusively to his judicial duties, and took no part in politics. Lord Hillsborough was entrusted as Secretary of State with the special care of the colonies, and the Bedford party, who now joined and in a great measure controlled the Government, were strenuous supporters of the policy of coercing America.

The circular of the Massachusetts Assembly calling the other provincial Assemblies to assist in obtaining the repeal of the recent Act was first adverted to. Hillsborough, in an angry circular addressed to the governors of the different provinces, urged them to exert their influence to prevent the Assemblies of their respective provinces from taking any notice of it, and he characterised it in severe terms as 'a flagitious attempt to disturb the public peace' by 'promoting an unwarrantable combination and exhibiting an open opposition to and denial of the authority of Parliament.' He at the same time called on the Massachusetts Assembly

taxation. Horace Walpole says of him, 'He had almost every great talent and every little quality. . . . With such a capacity he must have been the greatest man of this age, and perhaps inferior to no man in any age, had his faults been only in a moderate proportion.'—*Memoirs of George III.* iii. 100. See, too, Sir G. Colebrooke's character of him. Ibid. pp. 100–102. In an able paper in the *North Briton* (No. 20) it is said of him, 'He joins to an infinite fire of imagination and brilliancy of wit, a cool and solid judgment, a wonderful capacity for business of every kind, the most intense application to it, and a consummate knowledge of the great commercial interests of this country, which I never heard were before united in the same person.'

to rescind its proceedings on the subject. After an animated debate the Assembly, in the summer of 1768, refused by 92 votes to 17. It was at once dissolved, and no new Chamber was summoned till the following year. The Assembly of Virginia was dissolved on account of resolutions condemning the whole recent policy of England, and in the course of a few months a similar step was taken in Maryland, Georgia, North Carolina, and New York. It was a useless measure, for the new Assemblies which were summoned in obedience to the charter were very similar to their predecessors. In the meantime, two regiments escorted by seven ships of war were sent to Boston to strengthen the Government. More energetic attempts were made to enforce the revenue laws, and several collisions took place. Thus the sloop 'Liberty,' belonging to Hancock, a leading merchant of the patriot party, arrived at Boston in June 1768, laden with wines from Madeira, and a Custom-house officer went on board to inspect the cargo. He was seized by the crew and detained for several hours while the cargo was landed, and a few pipes of wine were entered on oath at the Custom-house as if they had been the whole. On the liberation of the officer the vessel was seized for a false entry, and in order to prevent the possibility of a rescue it was removed from the wharf under the guns of a man-of-war. A great riot followed, and the Custom-house officers were obliged to fly to a ship of war, and afterwards to the barracks, for protection.[1] On another occasion a cargo of smuggled Madeira was ostentatiously carried through the streets of Boston with an escort of thirty or forty strong men armed with bludgeons, and the Custom-house officers were so intimidated that they did not dare to interfere.[2] At Newport an inhabitant of the town was

[1] Holmes' *American Annals*, 1768. Hutchinson's *Hist. of Massachusetts Bay*, pp. 189, 190.

[2] Ibid. p. 188.

killed in an affray with some midshipmen of a ship of war,[1] and a few months later a revenue cutter which was lying at the wharf was attacked and burnt.[2] At Providence, an active Custom-house officer was tarred and feathered.[3] Effigies of the new Commissioners were hung on the liberty tree at Boston. The Governor and other officials were insulted by the mob, and new non-importation engagements were largely subscribed.

The first troops from England arrived in Massachusetts between the dissolution of the old and the election of the new Assembly, but shortly before their arrival the inhabitants of Boston gathered together in an immense meeting and voted that a standing army could not be kept in the province without its consent. Much was said about Brutus, Cassius, Oliver Cromwell, and Paoli; the arms belonging to the town were brought out, and Otis declared that if an attempt was made against the liberties of the people they would be distributed. A day of prayer and fasting was appointed; a very significant resolution was carried by an immense majority, calling upon all the inhabitants to provide themselves with arms and ammunition, and no one was deceived by the transparent pretext that they might be wanted against the French. Open treason was freely talked, and many of the addresses to the Governor were models of grave and studied insolence.

These documents were chiefly composed by Samuel Adams, a very remarkable man who had now begun to exercise a dominant influence in Boston politics, and who was one of the chief authors of the American Revolution. He had an hereditary antipathy to the British Government, for his father seems to have been ruined by the restrictions the English Parliament imposed on the circulation of paper money, and a bank in which his

[1] Arnold's *Hist. of Rhode Island*, ii. 288.

[2] Ibid. p. 297.

[3] Ibid. p. 294.

father was largely concerned had been dissolved by Act of Parliament, leaving debts which seventeen years later were still unpaid. It appears that Hutchinson was a leading person in dissolving the bank. Samuel Adams had taken part in various occupations. He was at one time a small brewer and at another a tax-gatherer, but in the last capacity he entirely failed, for a large sum of money which ought to have passed into the Exchequer was not forthcoming. It seems, however, that no more serious charge could be substantiated against him than that of unbusiness-like habits and an insufficient stringency in levying the public dues; the best judges appear to have been fully convinced of his integrity in money matters, and it is strongly confirmed by the austere and simple tenor of his whole later life.[1]

He early became one of the most active writers in the American Press, and was the soul of every agitation against the Government. It was noticed that he had a special skill in discovering young men of promise and brilliancy, and that, without himself possessing any dazzling qualities, he seldom failed by the force of his character and the intense energy of his convictions in obtaining an ascendency over their minds. It was only in 1765, when Adams was already forty-three, that he obtained a seat in the Assembly, where, with Otis and two or three others, he took a chief part in organising opposition to the Government. In the lax moral atmosphere of the eighteenth century he exhibited in perfection the fierce and sombre type of the seventeenth-century Covenanter. Poor, simple, osten-

[1] The life of S. Adams has been written with great elaboration and unqualified eulogy by W. V. Wells, and Bancroft adopts a very similar view of his character. Several facts relating to him will be found in Hutchinson's *Hist. of Massachusetts Bay*, pp. 294, 295.

tatiously austere and indomitably courageous, the blended influence of Calvinistic theology and of republican principles had permeated and indurated his whole character, and he carried into politics all the fervour of an apostle and all the narrowness of a sectarian. Hating with a fierce hatred, monarchy and the English Church, and all privileged classes and all who were invested with dignity and rank; utterly incapable of seeing any good thing in an opponent, or of accepting any form of political compromise, he advocated on all occasions the strongest measures, and appears to have been one of the first both to foresee and to desire an armed struggle. He had some literary talent, and his firm will and clearly defined principles gave him for a time a greater influence than abler men. He now maintained openly that any British troops which landed should be treated as enemies, attacked, and, if possible, destroyed. More moderate counsels prevailed; yet measures verging on revolution were adopted. As the Governor alone could summon or prorogue the Assembly, a convention was held at Boston when it was not sitting, to which almost every town and every district of the province sent its delegate, and it assumed all the semblance of a legislative body.

The Assembly itself, when it met, pronounced the establishment of a standing army in the colony in time of peace to be an invasion of natural rights and a violation of the Constitution, and it positively refused to provide quarters for the troops, on the ground that the barracks in an island three miles from the town, though within the municipal circle of Boston, were not yet full. The plea was ingenious and strictly legal, and the troops were accordingly quartered as well as paid at the expense of the Crown. The simple presence among the colonists of English soldiers was, however, now treated as an intolerable grievance; the regiments were ab-

surdly called 'an unlawful assembly,' and they were invariably spoken of as if they were foreign invaders. The old distinction between internal and external taxation, the old acquiescence in commercial restrictions, and the old acknowledgment of the general legislative authority of Parliament, had completely disappeared from Boston politics. The treatise which, half a century earlier, Molyneux had written on the rights of the Irish Parliament now became a text-book in the colonies, and it was the received doctrine that they owed allegiance indeed to the King, but were wholly independent of the British Parliament. They scornfully repudiated at the same time the notion of maintaining like Ireland a military establishment for the general defence of the Empire. It is also remarkable that the project of a legislative union with Great Britain, which was at this time advocated by Pownall in England, was absolutely repudiated in America. Pownall wished the colonial Assemblies to continue, but to send representatives to the English Parliament, which would thus possess the right of taxing the colonists. But this scheme found no favour in America. It was pronounced impracticable and dangerous. It was said that the colonial representatives would speedily be corrupted, that the colonists could never hope to obtain a representation adequate to their importance, and that inadequate representation was even a greater grievance than taxation without representation. Bernard now strongly advocated the permanent admission of American representatives into the British Parliament as the only possible solution, but he acknowledged that the idea was unpopular, and he alleged that the true reason was that if the colonies were represented in Parliament they could have no pretext for disobeying it.[1] It was evident that every path of compromise was

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[1] Letters of Governor Bernard, pp. 55–60.

closing, and that disaffection was steadily rising to the height of revolution. Foreign observers saw that the catastrophe was fast approaching, and Choiseul noticed that the English had no cavalry and scarcely 10,000 infantry in America, while the colonial militia numbered 400,000 men, including several cavalry regiments. It was not difficult, he concluded, to predict that if America could only find a Cromwell she would speedily cease to form a part of the British Empire.[1]

For the present, except a few revenue riots, resistance was purely passive. The Massachusetts Assembly petitioned for the removal of the troops and for the removal of the Governor. Acute lawyers contested every legal point that could possibly be raised against the Government. The grand juries being elected by the townships were wholly on the side of the people, and they systematically refused to present persons guilty of libel, riot, or sedition. Non-importation agreements spread rapidly from town to town, and had a serious effect upon English commerce. The troops had little to do as there was no open resistance, but they found themselves treated as pariahs and excluded from every kind of society, and they had even much difficulty in procuring the necessaries of life.

The English Parliament in December 1768 and January 1769 greatly aggravated the contest. Both Houses passed resolutions condemning the disloyal spirit of Massachusetts, the non-importation agreements, and the Boston convention; and addresses were carried thanking the Sovereign for the measures he had taken to maintain the authority of England; promising a full support to future measures taken with that end, and suggesting that the names of the most active agitators should be transmitted to one of the Secretaries of State,

[1] Bancroft.

and that a long disused law of Henry VIII. which empowered the Governor to bring to England for trial, persons accused of treason outside England, should be put in force.[1] This last measure was due to the Duke of Bedford, and although it was certainly not unprovoked, it excited a fierce and legitimate indignation in America, and added a new and very serious item to the long list of colonial grievances. Already, the colonial advocates were accustomed to say, a Parliament in which the colonies were wholly unrepresented, claimed an absolute power of restricting their commerce, of taxing them, and even, as in the case of New York, of suspending their legislative assemblies. British troops were planted among them to coerce them. Their governors and judges were to be made independent of their Assemblies, and now the protection of a native jury, which alone remained, was to be destroyed. By virtue of an obsolete law, passed in one of the darkest periods of English history and at a time when England possessed not a single colony, any colonist who was designated by the Governor as a traitor might be carried three thousand miles from his home, from his witnesses, from the scene of his alleged crime, from all those who were acquainted with the general tenor of his life, to be tried by strangers of the very nation which he was supposed to have offended. Combine all these measures, it was said, and what trace of political freedom would be left in the colonies?

This measure was apparently intended only to intimidate the more violent agitators, and it was never put in action. The Cabinet were much divided about their American policy, and signs of weakness speedily appeared. Townshend's Act had brought America to the verge of revolution, and had entailed great expense

[1] *Parl. Hist.* xvi. 477-487. *Cavendish Debates*, i. 192-194

on the country, but it had hitherto produced no appreciable revenue, and there was little or no prospect of improvement. It was stated that the total produce of the new taxes for the first year was less than 16,000*l.*, that the net proceeds of the Crown revenue in America were only about 295*l.*, and that extraordinary military expenses amounting to 170,000*l.* had in the same period been incurred.[1] Pownall, who had preceded Bernard as Governor of Massachusetts, strongly urged in Parliament the repeal of the new duties, and a considerable section of the Cabinet supported his view. After much discussion it was resolved to adopt a policy of compromise[2]—to repeal the duties on glass, paper, and painters' colours, and to retain that on tea for the purpose of keeping up the right. Less than 300*l.* had hitherto been obtained by this charge; but the King, the Bedford section of the Cabinet, and Lord North determined, in opposition to Grafton and Camden, to retain it, and they carried their point in the Cabinet by a majority of one vote. A circular intimating the intention of the Government was despatched in the course of 1769 to the governors of the different colonies, and in this circular Lord Hillsborough officially informed them that the Cabinet 'entertained no design to propose to Parliament to lay any further taxes on America for the purpose of raising a revenue.'[3] Governor Bernard, whose relations with the Assembly and Council of Massachusetts had long been as hostile as

[1] Hildreth, ii. 553.

[2] The Massachusetts Agent, De Berdt, wrote to the Assembly in July 1768, describing an interview with Hillsborough. 'He assured me, before the warm measures taken on your side had come to their knowledge he had settled the repeal of those Acts [for the taxation or coercion of America] with Lord North the Chancellor, but the opposition you had made rendered it absolutely necessary to support the authority of Parliament.'—*Massachusetts State Papers*, p. 161.

[3] Grahame, iv. 297.

possible, was rewarded for his services to the Crown by a baronetcy, but in the August of 1769 he was recalled to England amid a storm of insult and rejoicing from the people he had governed; and after about a year, Hutchinson, who, though equally devoted to the Government, was somewhat less unpopular with the colonists, was promoted to the ungrateful post. Some slight signs of improvement were visible. New York submitted to the Mutiny Act, and its Assembly accordingly regained its normal powers. The non-importation agreements had for some time been very imperfectly observed, and it was soon noticed that a good deal of tea was imported in small quantities, and that the port duty was paid without difficulty.[1]

Hitherto, though the townspeople of Boston had done everything in their power to provoke and irritate the soldiers who were quartered among them, there had been no serious collision. The condition of the town, however, was such that it was scarcely possible that any severity of discipline could long avert it. There was a perfect reign of terror directed against all who supported the revenue Acts and who sympathised with authority. Soldiers could scarcely appear in the streets without being the objects of the grossest insult. A Press eminently scurrilous and vindictive was ceaselessly employed in abusing them: they had become, as Samuel Adams boasted, 'the objects of the contempt even of women and children.' Every offence they committed was maliciously exaggerated and vindictively prosecuted, while in the absence of martial law they were obliged to look passively on the most flagrant insults to authority. At one time the 'sons of liberty' in a procession a mile and a half long marched round the State House to commemorate their riots against the

[1] See Hutchinson's *Hist. of Massachusetts Bay*, pp. 350, 351, 422, 423.

Stamp Act, and met in the open fields to chant their liberty song and drink 'strong halters, firm blocks, and sharp axes to such as deserve them.' At another an informer who was found guilty of giving information to revenue officers was seized by a great multitude, tarred and feathered, and led through the streets of Boston, which were illuminated in honour of the achievement. A printer who had dared to caricature the champions of freedom was obliged to fly from his house, to take refuge among the soldiers, and ultimately to escape from Boston in disguise. Merchants who had ventured to import goods from England were compelled by mob violence to give them up to be destroyed or to be re-embarked. A shopkeeper who sold some English goods found a post planted in the ground with a hand pointing to his door, and when a friend tried to remove it he was stoned by a fierce mob through the streets. A popular minister delighted his congregation by publicly praying that the Almighty would remove from Boston the English soldiers. It was said that they corrupted the morals of the town, that their drums and fifes were heard upon the Sabbath-day, that their language was often violent, threatening, or profane, that on several occasions they had struck citizens who insulted them.[1] On March 2, 1770, there was a scuffle at a ropewalk between some soldiers and the ropemakers, and on the night of the 5th there occurred the tragedy which, in the somewhat grandiloquent phrase of John Adams, 'laid the foundation of American inde-

[1] Holmes. Bancroft. One of the later accusations against the English soldiers was, that they impaired the purity of the American pronunciation of English. Noah Webster, in his curious essay on the 'Manners of the United States' (1787), says: 'I presume we may safely say that our language has suffered more injurious changes in America since the British army landed on our shores than it had suffered before, in the period of three centuries.' — Webster's *Essays*, p. 96.

pendence.' A false alarm of fire had called a crowd into the streets, and a mob of boys and men amused themselves by surrounding and insulting a solitary sentinel who was on guard before one of the public buildings. He called for rescue, and a party consisting of a corporal and six common soldiers, under the command of Captain Preston, appeared with loaded muskets upon the scene. The mob, however, refused to give way. Some forty or fifty men—many of them armed with sticks—surrounded the little band of soldiers, shouting, 'Rascals, lobsters, bloody backs!'[1] and defying them to use their arms. They soon proceeded to violence. Snowballs and, according to some testimony, stones were thrown. The crowd pressed violently on the soldiers, and it was afterwards alleged that one of the soldiers was struck by a club. Whether it was panic or resentment, or the mere necessity of self-defence, was never clearly established, but a soldier fired, and in another moment seven muskets, each loaded with two balls, were discharged with deadly effect into the crowd. Five men fell dead or dying, and six others were wounded.

There are many dreadful massacres recorded in the page of history—the massacre of the Danes by the Saxons, the massacre of the Sicilian Vespers, the massacre of St. Bartholomew—but it may be questioned whether any of them had produced such torrents of indignant eloquence as the affray which I have described. The 'Boston massacre,' or, as the Americans, desiring to distinguish it from the minor tragedies of history, loved to call it, 'The bloody massacre,' at once kindled the colonies into a flame. The terrible tale of how the bloody and brutal myrmidons of England had shot down the inoffensive citizens in the streets of Boston

[1] In allusion to the British custom of flogging soldiers.

raised an indignation which was never suffered to flag. In Boston, as soon as the tidings of the tragedy were spread abroad, the church bells rang, the drums beat to call the people to arms, and next day an immense meeting of the citizens resolved that the soldiers must no longer remain in the town. Samuel Adams and the other leading agitators, as the representatives of the people, rushed into the presence of Hutchinson, and rather commanded than asked for their removal. Hutchinson hesitated much. He was not yet governor. Bernard was in England. Hutchinson had himself asked for the troops to be sent to Boston. He knew that their removal would, under the circumstances, be a great humiliation to the Government and a great encouragement to the mob, and that if once removed it would be extremely difficult to recall them. On the other hand, if they remained it was only too probable that in a few hours the streets of Boston would run with blood. He consulted the council, and found it as usual an echo of the public voice. He yielded at last, and the troops were removed to Fort William, on an island three miles from Boston, and the wish of the townsmen was thus at last accomplished. An immense crowd accompanied the bodies of the 'martyred' citizens to their last resting-place. An annual celebration was at once resolved upon, and for several years the citizens were accustomed on every anniversary to meet in the chief towns of America in chapels hung with crape, while the most popular orators described the horrors of the Boston massacre, the tyranny of England, and the ferocious character of standing armies.[1]

Few things contributed more to the American Revolution than this unfortunate affray. Skilful agi-

[1] The commemoration was kept up till 1783, after which it was replaced by that of the 4th of July. Tudor's *Life of Otis*, p. 462.

tators perceived the advantage it gave them, and the most fantastic exaggerations were dexterously diffused. The incident had, however, a sequel which is extremely creditable to the American people. It was determined to try the soldiers for their lives, and public feeling ran so fiercely against them that it seemed as if their fate was sealed. The trial, however, was delayed for seven months, till the excitement had in some degree subsided. Captain Preston very judiciously appealed to John Adams, who was rapidly rising to the first place both among the lawyers and the popular patriots of Boston, to undertake his defence. Adams knew well how much he was risking by espousing so unpopular a cause, but he knew also his professional duty, and, though violently opposed to the British Government, he was an eminently honest, brave, and humane man. In conjunction with Josiah Quincy, a young lawyer who was also of the patriotic party, he undertook the invidious task, and he discharged it with consummate ability. It was clearly shown that the popular account which had been printed in Boston and circulated assiduously through the colonies, representing the affair as a deliberate and premeditated massacre of unoffending citizens, was grossly untrue. As was natural in the case of a confused scuffle in the dark, there was much conflict of testimony about the exact circumstances of the affair, but there was no sufficient evidence that Captain Preston had given an order to fire; and although no soldier was seriously injured, there was abundant evidence that the soldiers had endured gross provocation and some violence. If the trial had been the prosecution of a smuggler or a seditious writer, the jury would probably have decided against evidence, but they had no disposition to shed innocent blood. Judges, counsel, and jurymen acted bravely and honourably. All the soldiers were acquitted, except two, who were found guilty of

manslaughter, and who escaped with very slight punishment.

It is very remarkable that after Adams had accepted the task of defending the incriminated soldiers, he was elected by the people of Boston as their representative in the Assembly, and the public opinion of the province appears to have fully acquiesced in the verdict.[1] In truth, although no people have indulged more largely than the Americans in violent, reckless, and unscrupulous language, no people have at every period of their history been more signally free from the thirst for blood, which in moments of great political excitement has been often shown both in England and France. It is a characteristic fact that one of the first protests against the excessive multiplication of capital offences in the English legislation of the eighteenth century was made by the Assembly of Massachusetts, which in 1762 objected to death as a punishment for forgery on the ground that 'the House are very averse to capital punishment in any case where the interest of the Government does not absolutely require it,' and where some other punishment will be sufficiently deterrent.[2]

[1] See on this episode, Adams' *Works*, i. 97-114, ii. 229-233; Hutchinson's *Hist. of Massachusetts Bay*; Hutchinson's letters to Bernard, and the Histories of Hildreth and Bancroft. Mr. Bancroft in his account of this transaction appears to me to exhibit even more strongly than usual that violent partisanship which so greatly impairs the value of his very learned History. Outside Boston the verdict seems to have given much satisfaction. Hutchinson wrote (Dec. 1770): 'The reception which has been given to the late verdicts everywhere except in Boston has been favourable beyond my hopes. I expected that the court and jury would be censured, but they are generally applauded.'—*American Remembrancer*, 1776, part i. p. 159.

[2] Tudor's *Life of Otis*, p. 118. According to Dr. Price (*On Civil Liberty*, p. 101), not more than one execution had taken place in Massachusetts Bay in eighteen years. The annual average of executions in London alone for twenty-three years before 1772 was from twenty-nine to thirty.—Howard *On Prisons*, p. 9.

In the long period of anarchy, riot, and excitement which preceded the American Revolution there was scarcely any bloodshed and no political assassination, and the essential humanity of American public opinion which was shown so conspicuously during the trial of the soldiers at Boston, was afterwards displayed on a far wider field and in still more trying circumstances during the fierce passions of the revolutionary war, and still more remarkably in the triumph of the North in the War of Secession.

While these things were taking place in America, Lord North carried through Parliament his measure repealing all the duties imposed by Townshend's Act, with the exception of that on tea,[1] which he maintained in spite of a very able opposition led by Pownall. His defence of the distinction was by no means destitute of plausibility or even of real force. The other duties, he said, were imposed on articles of English manufacture imported into America, and such duties were both unprecedented and economically inexpedient, as calculated to injure English industry. The duty on tea, however, was of another kind, and it was in perfect accordance with commercial precedents. The Americans had themselves drawn a broad distinction between external and internal taxation. No less than thirty-two Acts binding their trade had been imposed and submitted to, and the power of Parliament to impose port duties had, till the last two years, been unquestioned.[2] Whatever might be said of the Stamp Act, the tea duty was certainly not a grievance to America, for Parliament had relieved the colonies of a duty of nearly 12*d.* in the pound, which had hitherto been levied in England, and the colonists were only asked in compensation to pay a duty of 3*d.* in the pound on the arrival of the tea in America. The

[1] 10 Geo. III. 17.

[2] See *Cavendish Debates*, i. 198, 222.

measure was, therefore, not an act of oppression but of relief, making the price of tea in the colonies positively cheaper than it had been before.[1] It was coupled with the circular of Lord Hillsborough pledging the English Government to raise no further revenue from America. At the same time the quartering Act, which had been so much objected to, was allowed silently to expire.[2]

It will probably strike the reader that every argument which showed that the tea duty was not a grievance to the colonies, was equally powerful to show that it was perfectly useless as a means of obtaining a revenue from them. It would be difficult, indeed, to find a more curious instance of legislative incapacity than the whole transaction displayed. The repeal of the greater part of Townshend's Act had given the agitators in America a signal triumph; the maintenance of the tea duty for the avowed purpose of obtaining a colonial revenue left them their old pretext for agitation, and at the same time that duty could not possibly attain the end for which it was ostensibly intended, and the Government by the circular of Lord Hillsborough had precluded themselves from increasing it. Hutchinson, whose judgment of American opinion is entitled to the highest respect, has expressed his firm conviction that the Government might have raised the whole revenue they expected from Townshend's Act without the smallest difficulty, if they had simply adopted the expedient of levying the duty on goods exported to America in England instead of in the colonies.[3]

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[1] Stedman, i. 74. Hutchinson says: 'By taking off 12*d.*, which used to be paid in England, and substituting 3*d.* only, payable in the colonies, tea was cheaper than it had ever been sold by the illicit traders, and the poor people in America drank the same tea in quality at 3*s.* the lb. which the people in England drank at 6*s.*'—*Hist. of Massachusetts Bay*, p. 351.

[2] *Parl. Hist.* xvi. 852–874; *Cavendish Debates*, i. 484–500.

[3] 'If these duties [those in Townshend's Act] had been paid

The object of maintaining the tea duty was, of course, to assert the right of Parliament to impose port duties, and this assertion was thought necessary on account of the recent conduct and language of the Americans.[1] At the same time North, like Grenville, continually maintained that the plan of obliging America to pay for her own army might have been easily and peaceably carried out had the condition of English parties rendered possible any steady, systematic, and united policy. It was the changes, vacillation, divisions, and weaknesses of English ministries, the utter disintegration of English parties, the rapid alternations of severity and indulgence, the existence in Parliament of a powerful section who had at every step of the struggle actively supported the Americans and encouraged them to resist, the existence outside Parliament of a still more democratic party mainly occupied with political agitation—it was these things which had chiefly lured the colonies to their present state of anarchy, had rendered all resistance to authority a popular thing, and had introduced the habit of questioning the validity of Acts of Parliament. The evil, however, was accomplished. The plan of making America pay for her defence was virtually abandoned, and the ministers were only trying feebly and ineffectively to uphold the doctrine of the Declaratory Act, that Parliament had

upon exportation from England and applied to the purpose proposed, there would not have been any opposition made to the Act. It would have been a favour to the colonies. The saving upon tea would have been more than the whole paid on the other articles. The consumer in America would have paid the duty just as much as if it had been paid upon importation.'—*Hist. of Massachusetts Bay*, p. 179. I have already quoted the opinion of Franklin to much the same effect.

[1] See Lord North's strong statement of the reluctance with which he maintained any part of the duties.' *Parl. Hist.* xvi. 854; *Cavendish Debates*, i. 485, 486. The speech of George Grenville in this debate, as reported by Cavendish, is particularly worthy of attention.

a right to draw a revenue from America, by maintaining a duty which was in full accordance with American precedents and which was a positive boon to the American people.

The policy was not quite unsuccessful. The non-importation agreements had lately been so formidable that the English exports to America, which amounted to 2,378,000*l.* in 1768, amounted only to 1,634,000*l.* in 1769;[1] but the merchants in the colonies, after some hesitation, now resolved to abandon these agreements, and commerce with England resumed its old activity. An exception, however, was still made in the case of tea, and associations were formed binding all classes to abstain from that beverage, or at least to drink only what was smuggled. The next two or three years of colonial history were somewhat less eventful, though it was evident that the spirit of insubordination and anarchy was extending. In North Carolina, in 1771, some 1,500 men, complaining of extortions and oppressions of their local courts, rose to arms, and refused to pay taxes, and the colony was rapidly dividing into a civil war. The Governor, however, at the head of rather more than 1,000 militia, completely defeated the insurgents in a pitched battle. Some hundreds were killed or wounded, and six were afterwards hanged for high treason. In Massachusetts the troops were not again brought into Boston, but Castle William, which commanded the harbour, and to which the Boston patriots had once been so anxious to relegate them, was placed under martial law, and the provincial garrison was withdrawn. There were long and acrimonious disputes between Hutchinson and the Massachusetts Assembly about the right of the former to convene the Assembly at Cambridge instead of Boston; about the

[1] *Parl. Hist.* xvi. 855.

extent to which the salaries of Crown officers should be exempted from taxation; about the refusal of the Governor to ratify the grant of certain sums of money to the colonial agents in England. In 1772, Hutchinson, to the great indignation of the colony, informed the Assembly that, as his salary would henceforth be paid by the Crown, no appropriation would be required for that purpose. Otis, who had long been the most fiery of the Boston demagogues, had now nearly lost his intellect as well as his influence; and John Adams, who was a far abler man, had for a time retired from agitation, and devoted himself to his profession. Samuel Adams, however, still retained his influence in the Assembly, and he was unwearied in his efforts to excite ill feeling against England, and to push the colony into rebellion.

In Rhode Island a revenue outrage of more than common daring took place. A ship of war, called the 'Gaspee,' commanded by Lieutenant Duddingston, and carrying eight guns, was employed under the royal commission in enforcing the revenue Acts along the coast, and the commander is said to have discharged his duty with a zeal that often outran both discretion and law. He stopped and searched every ship that entered Narraganset Bay; compelled all ships to salute his flag; sent a captured cargo of smuggled rum, contrary to law, out of the colony to Boston on the ground that it could not be safely detained in Newport; seized more than one vessel upon insufficient evidence; searched for smuggled goods with what was considered unnecessary violence, and made himself extremely obnoxious to the colony, in which smuggling was one of the most flourishing and most popular of trades. The Chief Justice gave an opinion that the commander of one of his Majesty's ships could exercise no authority in the colony without having previously applied to the

Governor, and shown him his warrant. Duddingston appealed to the Admiral at Boston, who fully justified his conduct, and an angry altercation ensued between the civil and naval authorities. On June 9, 1772, the 'Gaspee,' when chasing a suspected vessel, ran aground on a shoal in the river some miles from Providence, and the ship which had escaped brought the news to that town. Soon after a drum was beat through the streets, and all persons who were disposed to assist in the destruction of the King's ship were summoned to meet at the house of a prominent citizen. There appears to have been no concealment or disguise, and shortly after ten at night eight boats, full of armed men, started with muffled oars on the expedition. They reached the stranded vessel in the deep darkness of the early morning. Twice the sentinel on board vainly hailed them, when Duddingston himself appeared in his shirt upon the gunwale and asked who it was that approached. The leader of the party answered with a profusion of oaths that he was the sheriff of the county come to arrest him, and while he was speaking one of his men deliberately shot the lieutenant, who fell badly wounded on the deck. In another minute the 'Gaspee' was boarded. The crew were soon overpowered, bound, and placed upon the shore. Duddingston, his wounds having been dressed, was landed at a neighbouring house; the party then set fire to the 'Gaspee,' and while its flames announced to the whole country the success of their expedition, they returned in the broad daylight to Providence. Large rewards were offered by the British Government for their detection; but, though they were universally known, no evidence could be obtained, and the outrage was entirely unpunished.[1]

[1] A full account of this transaction will be found in Mr. Arnold's very interesting *History of Rhode Island*, ii. 309–320. Mr. Arnold has given a curious letter describing it, by Ephraim

An American historian complains that this event, though due to a mere 'sudden impulse,' inspired at least one English statesman with a deep hostility to the charter of the colony, according to which Governor, Assembly, and Council were all elected directly by the people.[1]

It is a curious coincidence that, just before this outrage took place, the British Parliament had passed an Act for the protection of his Majesty's ships, dockyards, and naval stores, by which their destruction was made a felony, and the ministry were empowered, if they pleased, to try those who were accused of such acts in England.[2] This law, though it applied to the colonies, was not made with any special reference to them, but it became one of their great grievances. Perhaps the state of feeling disclosed in the town of Providence at the time of the destruction of the 'Gaspee,' may be regarded as the strongest argument in its defence.

A considerable step towards uniting the colonies was taken in this year and in 1773 by the appointment in Massachusetts, Virginia, and some other colonies of committees specially charged with the task of collecting and publishing colonial grievances, maintaining a correspondence between the different provinces, and procuring authentic intelligence of all the acts of the British Parliament or Ministry relating to them. In England they were already represented by agents of great ability, the most prominent being Benjamin Franklin, who at this time possessed a greater reputation than any other living American.

He was born in 1706, and was therefore now in the decline of life. A younger son in a large and poor family, ill treated by his elder brother, and little favoured by casual good fortune, he had risen by his own energies

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Bowen, one of the party who captured the 'Gaspee.'

[1] Bancroft, iii. 461.

[2] 12 Geo. III. c. 24.

from a humble journeyman printer at Boston and Philadelphia to a foremost place among his countrymen; and he enjoyed a reputation which the lapse of a century has scarcely dimmed. Franklin is, indeed, one of the very small class of men who can be said to have added something of real value to the art of living. Very few writers have left so many profound and original observations on the causes of success in life, and on the best means of cultivating the intellect and the character. To extract from surrounding circumstances the largest possible amount of comfort and rational enjoyment, was the ideal he placed before himself and others, and he brought to its attainment one of the shrewdest and most inventive of human intellects, one of the calmest and best balanced of human characters. 'It is hard,' he once wrote, 'for an empty sack to stand upright;' and it was his leading principle that a certain amount of material prosperity is the almost indispensable condition as well as the chief reward of integrity of character. He had no religious fervour, and no sympathy with those who appeal to strong passions or heroic self-abnegation; but his busy and somewhat pedestrian intellect was ceaselessly employed in devising useful schemes for the benefit of mankind. He founded societies for mutual improvement, established the first circulating library in America, introduced new methods for extinguishing fires, warming rooms, paving and lighting the streets, gave a great impulse to education in Pennsylvania, took part in many schemes for strengthening the defences and improving the police of the colony, and was the soul of more than one enterprise of public charity. 'Poor Richard's Almanac,' which he began in 1732, and which he continued for twenty-five years, attained an annual circulation of near 10,000, and he made it a vehicle for diffusing through the colonies a vast amount of practical knowledge and homely wisdom.

His brother printed the fourth newspaper which ever appeared in America, and Franklin wrote in it when still a boy. He had afterwards a newspaper of his own, and there were few questions of local politics in which he did not take an active part. He was very ambitious of literary success, and within certain limits he has rarely been surpassed. How completely blind he was to the sublime and the poetical in literature, he indeed conclusively showed when he tried to improve the majestic language of the Book of Job or the Lord's Prayer by translating them into ordinary eighteenth-century phraseology; but on his own subjects no one wrote better. His style was always terse, luminous, simple, pregnant with meaning, eminently persuasive. There is scarcely an obscure or involved or superfluous sentence, scarcely an ambiguous term in his works, and not a trace of that false and inflated rhetoric which has spoilt much American writing, and from which the addresses of Washington himself are not quite free. He was a most skilful and plausible reasoner, abounding in ingenious illustration, and with a happy gift of carrying into difficult and intricate subjects that transparent simplicity of style which is, perhaps, the highest reach of art. At the same time his researches and writings on electricity gave him a wide reputation in the scientific world, and in 1752 his great discovery of the lightning conductor made his name universally known through Europe. It was indeed pre-eminently fitted to strike the imagination; and it was a strange freak of fortune that one of the most sublime and poetic of scientific discoveries should have fallen to the lot of one of the most prosaic of great men.

In every phase of the struggle with England he took a prominent part; and it may be safely asserted that if he had been able to guide American opinion, it would never have ended in revolution. During a great

portion of the struggle he always professed a warm attachment for England and the English Constitution. In conversation with Burke he expressed the greatest concern at the impending separation of the two countries; predicted that 'America would never again see such happy days as she had passed under the protection of England, and observed that ours was the only instance of a great empire in which the most distant parts and members had been as well governed as the metropolis and its vicinage.'[1] A man so eminently wise and temperate must have clearly seen that colonies situated 3,000 miles from the mother country, doubling their population every twenty-five years, possessing representative institutions of the freest and most democratic type, and inhabited by a people who, from their circumstances and their religion, carried the sentiment of independence to the highest point, were never in any real danger of political servitude, and that there was no difference between America and England which reasonable men might not easily have compromised. Personally, no one had less sympathy than Franklin with anarchy, violence, and declamation, and in some respects his natural leaning was towards the Tories. It is remarkable that when he was in England at the time of the Middlesex election, his sympathies ran strongly against Wilkes, he spoke with indignation of the punishment that must await a people 'who are ungratefully abusing the best Constitution and the best King any nation was ever blessed with;'[2] and he fully adopted the Tory maxim that the whole political power of a nation belongs of right to the freeholders.[3] He held under

[1] Burke's 'Appeal from the New to the Old Whigs.' *Works*, vi. 122. See, too, Franklin's *Works*, i. 413, 414.

[2] Franklin's *Works*, vii. 399–404.

[3] 'All the land in England is in fact represented. . . . As to those who have no landed property in a county, the allowing

the Government the position of Postmaster-General for America. He was once thought of as Under-Secretary of State for the colonies under Lord Hillsborough, and his son was royal Governor of New Jersey.

His writings are full of suggestions which, if they had been acted on, might have averted the disruption. As we have already seen, he had advocated an union of the colonies for defensive purposes as early as 1754, and in 1764 had regarded with great equanimity, and even approval, the possible establishment of an English army in America, paid for by duties imposed on the colonies. He opposed the Stamp Act; but it is quite evident, from his conduct, that he neither expected nor desired that it should be resisted. In one of his writings, he very wisely suggested that England should give up her trade monopoly, and that America should in return agree to pay a fixed annual sum for the military purposes of the Empire. In another, he advocated a legislative union, which would have enabled the English Parliament, without injustice, to tax America. He strongly maintained the reality of the distinction between internal and external taxation, and asserted with great truth that 'the real grievance is not that Britain puts duties upon her own manufactures exported to us, but that she forbids us to buy like manufactures from any other country.'

He was Agent for Pennsylvania at the time of the Stamp Act, and, in his examination soon after, before the House of Commons, he defended the colonial cause with an ability, a presence of mind, and a moderation that produced a great impression upon Parliament. His many tracts in defence of their cause, though they are very far from a fair or candid statement even of the facts of the case, were undoubtedly the ablest and most plausible

them to vote for legislators is an impropriety.'—'Political Observations,' Franklin's *Works*, iv. 221.

arguments advanced on the American side. In 1767 he mentioned the assiduity with which the French ambassador was courting him, and he added: 'I fancy that intriguing nation would like very well to meddle on occasion and blow up the coals between Britain and her colonies; but I hope we shall give them no opportunity.'[1] In his confidential correspondence with American politicians, he constantly advocated moderation and patience. 'Our great security,' he wrote in 1773, 'lies in our growing strength both in numbers and wealth, that creates an increasing ability of assisting this nation in its wars, which will make us more respectable, our friendship more valued, and our enmity feared. . . . In confidence of this coming change in our favour, I think our prudence is, meanwhile, to be quiet, only holding up our rights and claims on all occasions . . . but bearing patiently the little present notice that is taken of them. They will all have their weight in time, and that time is at no great distance.'[2] 'There seems to be among us some violent spirits who are for an immediate rupture; but I trust the general prudence of our country will see that by our growing strength we advance fast to a situation in which our claims must be allowed; that by a premature struggle we may be crippled and kept down another age. . . . that between governed and governing every mistake in government, every encroachment on right, is not worth a rebellion . . . remembering withal that this Protestant country (our mother, though lately an unkind one) is worth preserving, and that her weight in the scale of Europe, and her safety in a great degree, may depend on our union with her.'[3]

[1] Franklin's *Works*, vii. 357.

[2] Ibid. viii. 30, 31. After the Stamp Act, Franklin expressed his opinion in a pithy sentence to Ingersoll, who was then returning to America. 'Go home and tell your countrymen to get children as fast as they can.'

[3] Ibid. pp. 78, 79.

In addition to his position of Agent for Pennsylvania, he became Agent for New Jersey, for Georgia, and in 1770 for Massachusetts. His relations, however, with the latter colony were not always absolutely cordial. His religious scepticism, his known hatred of war, his personal relations to the British Government, his dislike to violent counsels, and to that exaggerated and declamatory rhetoric which was peculiarly popular at Boston, all placed him somewhat out of harmony with his constituents; and although they were justly proud of his European reputation, even this was sometimes a cause of suspicion. They felt that he, and he alone, of living Americans, by his own unassisted merit, had won a great position in England, and they doubted whether he could be as devoted to their cause as men whose reputation was purely provincial. In 1771, Arthur Lee, of Virginia, who was fully identified with the extreme party, was appointed his colleague, and there were several other symptoms that Franklin was looked on with some distrust. The suspicions of his sincerity were, however, wholly groundless. His heart was warmly in the American cause, and although he would have gladly moderated the policy of his countrymen, he was by no means disposed to suffer himself to be stranded and distanced. His views became more extensive, and his language more emphatic; he now maintained with great ability the position that the colonies, like Hanover, or like Scotland before the Union, though they were subject to the English king, were wholly independent of the British Legislature; and in 1773 he was concerned in a transaction which placed him at open war with English opinion.

It had been for a long time the habit of Hutchinson, the Governor-General of Massachusetts; of Oliver, who was now Lieutenant-Governor; and of some other politicians of the province who were attached to the Crown,

to carry on a strictly private and confidential correspondence about the state of the colonies with Whately, who had formerly been private secretary to George Grenville. In June 1772 Whately died, and in December, by some person and some means that have never been certainly disclosed, the letters of his American correspondents were stolen and carried to Franklin. The letters of Hutchinson had, with one exception, been written before his appointment as Governor, but at a time when he held high office in the colony, and they were written with the perfect freedom of confidential intercourse. Whately, though peculiarly conversant with colonial matters, held at this time no office under the Crown, and was a simple member of the Opposition. Hutchinson, in writing to him, dilated upon the turbulent and rebellious disposition of Boston, the factious character of the local agitators, the weakness of the Executive, the necessity of a military force to support the Government, and the excessive predominance of the democratic element in the constitution of Massachusetts. 'I never think,' he wrote in the letter which was afterwards most violently attacked, 'of the measures necessary for the peace and good order of the colonies without pain. There must be an abridgment of what are called English liberties. . . . I doubt whether it is possible to project a system of government in which a colony 3,000 miles distant from the parent State shall enjoy all the liberty of the parent State. . . . I wish the good of the colony when I wish to see some further restraint of liberty rather than the connection with the parent State should be broken, for I am sure such a breach must prove the ruin of the colony.' Oliver argued with more detail that the Council or Upper Chamber should consist exclusively of landed proprietors, that the Crown officers should have salaries independent of popular favour, that the popular election of grand juries should be abolished,

and that there should be a colonial representation in the English Parliament. All this appears to have been most honestly written, but it was written without the reserve and the caution which would have been maintained in letters intended to be published. Both Hutchinson and Oliver impressed on their correspondent their desire that these letters should be deemed strictly confidential.[1] They were brought to Franklin as political information for his perusal. He at once perceived the advantage they would give to the popular party, and he asked and obtained permission to send them to Massachusetts on condition that they should not be printed or copied; that they should be shown only to a few of the leading people, that they should be eventually returned, and that the source from which they were obtained should be concealed.

The letters were accordingly sent to Thomas Cushing, the Speaker of the Assembly of Massachusetts, and, as might have been expected, they soon created a general ferment. As Franklin acutely wrote, 'there was no restraint proposed to talking of them, but only to copying.' They were shown to many of the leading agitators. John Adams was suffered to take them with him on his judicial circuit, and they were finally brought before the Assembly in a secret sitting. The Assembly at once carried resolutions censuring them as designed to sow discord and encourage the oppressive acts of the British Government, to introduce arbitrary power into the province and subvert its constitution, and with the concurrence of the Council it petitioned the King to remove Hutchinson and Oliver from the Government. The letters were soon generally known. The sole obstacle to their diffusion was the promise that they should not be copied or printed, and it was not likely that this

[1] See the letters of Oct. 26, 1769, and May 7, 1767.

would be observed. According to one account,[1] copies were produced which were falsely said to have come by the last mail from England, and which were therefore not included under the original promise. According to another account,[2] Hancock, one of the leading patriots, took 'advantage of the implied permission of Hutchinson' to have copies made. Hutchinson had indeed been challenged with the letters, and been asked for copies of them and of such others as he should think proper to communicate. After some delay, he answered evasively, 'If you desire copies with a view to make them public, the originals are more proper for the purpose than the copies,' and this sentence appears to have been considered a sufficient authorisation. The letters were accordingly printed and scattered broadcast over the colonies.

When the printed copies arrived in England, they excited great astonishment, and William Whately, the brother and executor of the late Secretary, was filled with a very natural consternation at a theft which was likely to have such important consequences, and for which public opinion was inclined to make him responsible. He, in his turn, suspected a certain Mr. Temple, who had been allowed to look through the papers of his deceased brother, for the purpose of perusing one relating to the colonies, and a duel ensued, in which Whately was wounded. Franklin then, for the first time, in a letter to a newspaper, disclosed the part he had taken. He stated that he, and he alone, had obtained and transmitted to Boston the letters in question, that they had never passed into the hands of William Whately, and that it was therefore impossible either that Whately could have communicated them or that Temple could have taken them from his papers. There is some

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[1] Sparks' *Continuation of Franklin's Life.* [2] Bancroft.

reason to believe that the original owner had left them carelessly in a public office, from whence they had been abstracted, but the mystery was never decisively solved.

Franklin always maintained that in this matter he had simply done his duty, and that his conduct was perfectly honourable. The letters, he said, 'were written by public officers to persons in public stations, on public affairs, and intended to procure public measures.' They were brought to him as the Agent for Massachusetts, and it was his duty as such to communicate to his constituents intelligence that was of such vital importance to their affairs. He even urged, more ingeniously than plausibly, that he was animated by a virtuous desire to lessen the breach between England and the colonies. Like most Americans, he said, he had viewed with indignation the coercive measures which emanated, as he supposed, from the British Government, but his feelings were much changed when it was proved that their real origin might be traced to Americans holding high offices in their native country. It was to convince him of this truth that the letters had been originally brought to him. It was to spread a similar conviction among his countrymen that he had sent them across the Atlantic. With more force his apologists have urged that the sanctity of private correspondence was not then regarded as it is regarded now, and that the Government itself continually tampered with it for political purposes.[1] In 1766 the Duke of Bedford discovered, to his great indignation, that a letter which he had written to the Duke of Grafton had been opened; and among the items of secret-service money during the administration of Grenville was a sum to a Post Office official 'for engraving the many seals we are obliged to make use of.'[2] If

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[1] See vol. iii. p. 249. Burke's *Works*, ix. 148.

[2] *Grenville Papers*, iii. 99, 311, 312.

Government was not ashamed to resort to such methods, was it reasonable to expect that an agent who was endeavouring in a hostile country and against overwhelming obstacles to maintain the interests of his colony would be more scrupulous? Letters of Franklin himself, written to the colony, had been opened, and their contents had been employed for political purposes. Hutchinson had been concerned in this proceeding, and could therefore hardly complain that his own weapons were turned against himself.[1]

These considerations, no doubt, palliate the conduct of Franklin. Whether they do more than palliate it, must be left to the judgment of the reader. In England that conduct was judged with the utmost severity. For the purpose of ruining honourable officials, it was said, their most confidential letters, written several years before to a private Member of Parliament who had at that time no connection with the Government, had been deliberately stolen; and although the original thief was undiscovered, the full weight of the guilt and of the dishonour rested upon Franklin. He was perfectly aware that the letters had been written in the strictest confidence, that they had been dishonestly obtained without the knowledge either of the person who received them or of the persons who wrote them, and that their exposure would be a deadly injury to the writers. Under these circumstances he procured them. Under these circumstances he sent them to a small group of politicians whom he knew to be the bitterest enemies of the Governor, and one of the consequences of his conduct was a duel in which the brother of the man whose private papers had been stolen was nearly killed. Any man of high and sensitive honour, it was said, would sooner

[1] See Franklin's own vindication of his proceedings, with the accompanying notes. *Works*, iv. 404–455.

have put his hand in the fire than have been concerned in such a transaction. When the petition for the removal of Hutchinson and Oliver arrived, the Government referred it to the Committee of the Privy Council, that the allegations might be publicly examined with counsel on either side, and the case excited an interest which had been rarely paralleled. No less than thirty-five Privy Councillors attended. Among the distinguished strangers who crowded the Bar were Burke, Priestley, and Jeremy Bentham. Dunning and Lee, who spoke for the petitioners, appear to have made no impression; while on the other side, Wedderburn, the Solicitor-General, made one of his most brilliant but most virulent speeches. After a brief but eloquent eulogy of the character and services of Hutchinson, he passed to the manner in which the letters were procured, and turning to Franklin, who stood before him, he delivered an invective which appears to have electrified his audience. 'How the letters came into the possession of anyone but the right owners,' he said, 'is still a mystery for Dr. Franklin to explain. He was not the rightful owner, and they could not have come into his hands by fair means. Nothing will acquit Dr. Franklin of the charge of obtaining them by fraudulent or corrupt means for the most malignant of purposes, unless he stole them from the person who stole them. I hope, my Lords, you will brand this man for the honour of this country, of Europe, and of mankind. . . . Into what country will the fabricator of this iniquity hereafter go with unembarrassed face? Men will watch him with a jealous eye. They will hide their papers from him, and lock up their escritoires. Having hitherto aspired after fame by his writings, he will henceforth esteem it a libel to be called a man of letters—*homo trium literarum*.[1] But

[1] Fur—a thief.

he not only took away those papers from one brother—he kept himself concealed till he nearly occasioned the murder of another. It is impossible to read his account, expressive of the coolest and most deliberate malice, without horror. Amid these tragical events, of one person nearly murdered, of another answerable for the issue, of a worthy Governor hurt in his dearest interests, the fate of America in suspense—here is a man who, with the utmost insensibility of remorse, stands up and avows himself the author of all. I can compare him only to Zanga in Dr. Young's "Revenge":

> Know then, 'twas I—
> I forged the letter. I disposed the picture,
> I hated, I despised, and I destroy.

I ask, my Lords, whether the revengeful temper attributed by poetic fiction only to the bloody African, is not surpassed by the coolness and apathy of the wily American?'

The scene was a very strange one, and it is well suited to the brush of an historical painter. Franklin was now an old man of sixty-seven, the greatest writer, the greatest philosopher America had produced, a member of some of the chief scientific societies in Europe, the accredited representative of the most important of the colonies of America, and for nearly an hour and in the midst of the most distinguished of living Englishmen he was compelled to hear himself denounced as a thief or the accomplice of thieves. He stood there conspicuous and erect, and without moving a muscle, amid the torrent of invective, but his apparent composure was shared by few who were about him. With the single exception of Lord North, the Privy Councillors who were present lost all dignity and all self-respect. They laughed aloud at each sarcastic sally of Wedderburn. 'The indecency of their behaviour,' in

the words of Shelburne, 'exceeded, as is agreed on all hands, that of any committee of elections;' and Fox, in a speech which he made as late as 1803, reminded the House how on that memorable occasion 'all men tossed up their hats and clapped their hands in boundless delight at Mr. Wedderburn's speech.' The Committee at once voted that the petition of the Massachusetts Assembly was 'false, groundless, and scandalous, and calculated only for the seditious purpose of keeping up a spirit of clamour and discontent in the province.' The King in Council confirmed the report, and Franklin was ignominiously dismissed from his office of Postmaster. It was an office which had yielded no revenue before he had received it, but which his admirable organisation had made lucrative and important. The colonists accepted the insults directed against their great representative as directed against themselves,[1] and from this time the most sagacious of American leaders had a deep personal grudge against the British Government.[2]

In the meantime a serious attempt was made to make the tea duty a reality. About seventeen million pounds of tea lay unsold in the warehouses of the East India Company. The Company was at this time in extreme financial embarrassment, almost amounting to bankruptcy, and in order to assist it the whole duty which had formerly been imposed on the exportation to America was remitted.[3] Hitherto the Company had been obliged to send their tea to England, where it was sold by public sale to merchants and dealers, and by

[1] On the extraordinary popularity of Franklin at this time, see the letter of Dr. Rush, quoted in Sparks' *Continuation of the Life of Franklin.*

[2] *Life of Franklin.* Campbell's *Lives of the Chancellors,* viii. 14–19. *Chatham Correspondence,* iv. 322, 323.

[3] By the previous law (12 Geo. III. c. 60) a drawback of three-fifths of the duty had been allowed.

them exported to the colonies. The Company were now permitted to export tea direct from their warehouses on their own account on obtaining a licence from the Treasury,[1] and they accordingly selected their own agents in the different colonies. As the East India Company had of late been brought to a great extent under the direction of the Government, the consignees were such as favoured the Administration, and in Boston they included the two sons of Hutchinson. Several ships freighted with tea were sent to the colonies, and the Government hoped, and the 'sons of liberty' feared, that if it were once landed it would probably find purchasers, for owing to the drawback of the duty on exportation it could be sold much cheaper than in England itself, and cheaper than tea imported from any other country. The colonies at once entered into a conspiracy to prevent the tea being landed, and a long series of violent measures were taken for the purpose of intimidating those who were concerned in receiving it.

At last, in December 1773, three ships laden with tea arrived at Boston, and on the 16th of that month forty or fifty men disguised as Mohawk Indians, and under the direct superintendence of Samuel Adams, Hancock,[2] and other leading patriots, boarded them, and posting sentinels to keep all agents of authority at a distance, they flung the whole cargo, consisting of 342 chests, into the sea. In the course of the violent proceedings at Boston in this year, the Council, the militia, the corps of cadets had been vainly asked to assist in maintaining the law. The sheriff of the town was grossly insulted. The magistrates would do nothing, and, as usual, the crowning outrage of the destruction of the tea was

[1] 13 George III. c. 44.

[2] Hutchinson notices that Hancock's uncle had made his large fortune chiefly by smuggling tea from St. Eustatia. *Hist. of Massachusetts Bay*, p. 297. See, too, Sabine's *American Loyalists*, i. 9.

accomplished with perfect impunity, and not a single person engaged in it was in any way molested. At Charleston a ship arrived with tea, but the consignees were intimidated into resignation, and the tea was stored in cellars, where it ultimately perished. At New York and Philadelphia the inhabitants obliged the captains of the tea ships at once to sail back with their cargoes to the Thames.

While the law was thus openly defied, the popular party were inflexibly opposed to the project of granting the judges fixed salaries from the Crown, and thus making them in some degree independent of the Assemblies. In Massachusetts the Assembly declared all judges who received salaries from the Crown instead of the people unworthy of public confidence, and it threatened to impeach them before the Council and the Governor. In February 1774, proceedings of this kind were actually instituted against Oliver, the Chief Justice of the province, because he had accepted an annual stipend from the Crown. Out of 100 members who voted, no less than 92 supported the impeachment. Hutchinson of course refused to concur in the measure, and on March 30 he prorogued the House, and at the same time accused it of having been guilty of proceedings which 'strike directly at the honour and authority of the King and Parliament.'

The news of these events convinced most intelligent Englishmen that war was imminent, and that the taxation of America could only be enforced by the sword. Several distinct lines of policy were during the next two or three years advocated in England. Tucker, the Dean of Gloucester, a bitter Tory, but one of the best living writers on all questions of trade, maintained a theory which was then esteemed visionary and almost childish, but which will now be very differently regarded. He had no respect for the Americans; he dissected with

unsparing severity the many weaknesses in their arguments, and the declamatory and rhetorical character of much of their patriotism; but he contended that matters had now come to such a point that the only real remedy was separation. Colonies which would do nothing for their own defence, which were in a condition of smothered rebellion, and which were continually waiting for the difficulties of the mother country in order to assert their power, were a source of political weakness and not of political strength, and the trade advantages which were supposed to spring from the connection were of the most delusive kind. Trade, as he showed, will always ultimately flow in the most lucrative channels. The most stringent laws had been unable to prevent the Americans from trading with foreign countries if they could do so with advantage, and in case of separation the Americans would still resort to England for most of their goods, for the simple reason that England could supply them more cheaply than any other nation. The supremacy of English industry did not rest upon political causes. 'The trade of the world is carried on in a great measure by British capital. British capital is greater than that of any other country in the world, and as long as this superiority lasts it is morally impossible that the trade of the British nation can suffer any very great or alarming diminution.' No single fact is more clearly established by history than that the bitterest political animosity is insufficient to prevent nations from ultimately resorting to the markets that are most advantageous to them, and as long as England maintained the conditions of her industrial supremacy unimpaired she was in this respect perfectly secure. But nothing impairs these conditions so much as war, which wastes capital unproductively and burdens industry with a great additional weight of debt, military establishments, and taxation. The war which began

about the Spanish right of search had cost sixty millions, and had scarcely produced any benefit to England. The last war cost ninety millions, and its most important result had been, by securing the Americans from French aggression, to render possible their present rebellion. Let England, then, be wise in time, and before she draws the sword let her calculate what possible advantage she could derive commensurate with the permanent evils which would inevitably follow. The Americans have refused to submit to the authority and legislation of the Supreme Legislature, or to bear their part in supporting the burden of the Empire. Let them, then, cease to be fellow-members of that Empire. Let them go their way to form their own destinies. Let England free herself from the cost, the responsibility, and the danger of defending them, retaining, like other nations, the right of connecting herself with them by treaties of commerce or of alliance.[1]

The views of Adam Smith, though less strongly expressed, are not very different from those of Tucker. The 'Wealth of Nations' was published in 1776, and although it had little political influence for at least a generation after its appearance, its publication has ultimately proved one of the most important events in the economical, and indeed in the intellectual, history of modern Europe. No part of it is more remarkable than the chapters devoted to the colonies. Adam Smith showed by an exhaustive examination that the liberty of commerce which England allowed to her colonies, though greatly and variously restricted, was at least more extensive than that which any other nation conceded to its dependencies, and that it was sufficient to give them a large and increasing measure of prosperity. The laws, however, preventing them from

[1] Tucker's *Political Tracts.*

employing their industry in manufactures for themselves, he described as 'a manifest violation of the most sacred rights of mankind,' and likely 'in a more advanced state' to prove 'really oppressive and insupportable.' Hitherto, however, these laws, though they were 'badges of slavery imposed without any sufficient reason,' had been of little practical importance; for, owing to the great cheapness of land and the great dearness of labour in the colonies, it was obviously the most economical course for the Americans to devote themselves to agriculture and fisheries, and to import manufactured goods. His chief contention, however, was that the system of trade monopoly which, with many exceptions and qualifications, was maintained in the colonies for the benefit of England, was essentially vicious; that the colonies were profoundly injured by the restrictions which confined them to the English market, and that these restrictions were not beneficial, but were indeed positively injurious to England herself. These positions were maintained in a long, complicated, but singularly luminous argument, and it followed that the very keystone of English colonial policy was a delusion. 'The maintenance of this monopoly has hitherto been the principal, or, more properly, perhaps, the sole end and purpose of the dominion which Great Britain assumes over the colonies.' The burden of a great peace establishment by land and sea, maintained almost exclusively from English revenue, two great wars which had arisen chiefly from colonial questions, and the risk and probability of many others, were all supposed to be counterbalanced by the great advantage which the mother country derived from the monopoly of the colonial trade. The truth, however, is that 'the monopoly of the colony trade depresses the industry of all other countries, but chiefly that of the colonies, without in the least increasing, but, on the contrary,

diminishing, that of the country in whose favour it is established.' 'Under the present system of management, therefore, Great Britain derives nothing but loss from the dominion which she assumes over the colonies.'

Like Tucker, Adam Smith would gladly have seen a peaceful separation. 'Great Britain,' he wrote, 'would not only be immediately freed from the whole annual expense of the peace establishment of the colonies, but might settle with them such a treaty of commerce as would effectually secure to her a free trade more advantageous to the great body of the people, though less so to the merchants, than the monopoly which she at present enjoys.' She would at the same time probably revive that good feeling between the two great branches of the English race which was now rapidly turning to hatred. Such a solution, however, though the best, must be put aside as manifestly impracticable. No serious politician would propose the voluntary and peaceful cession of the great dominion of England in America with any real hope of being listened to. 'Such a measure never was and never will be adopted by any nation in the world.'

Dismissing this solution, then, Adam Smith agreed with Grenville that every part of the British Empire should be obliged to support its own civil and military establishments, and to pay its proper proportion of the expense of the general government or defence of the British Empire. He also agreed with Grenville that it naturally devolved upon the British Parliament to determine the amount of the colonial contributions, though the colonial Legislatures might decide in what way those contributions should be raised. It was practically impossible to induce the colonial Legislatures of themselves to levy such taxation, or to agree upon its proportionate distribution. Moreover, a colonial Assembly, though, like the vestry of a parish, it is an admirable

judge of the affairs of its own district, can have no proper means of determining what is necessary for the defence and support of the whole Empire. This 'can be judged of only by that Assembly which inspects and superintends the affairs of the whole nation.' 'The Parliament of England,' he added, 'has not upon any occasion shown the smallest disposition to overburden those parts of the Empire which are not represented in Parliament. The islands of Jersey and Guernsey . . . are more lightly taxed than any parts of Great Britain. Parliament . . . has never hitherto demanded of the colonies anything which even approached to a just proportion of what was paid by their fellow-subjects at home,' and the fear of an excessive taxation might be easily met by making the colonial contribution bear a fixed proportion to the English land tax. The colonists, however, almost unanimously refused to submit to taxation by a Parliament in which they were not represented. The only solution, then, was to give them a representation in it, and at the same time to open to them all the prizes of English politics. The colonists should ultimately be subjected to the same taxes as Englishmen, and should be admitted, in compensation, to the same freedom of trade and manufacture.

If we pass from the political philosophers to active politicians, we find that Chatham and Burke were substantially agreed upon the line they recommended. Burke, who had long shown a knowledge and a zeal on American questions which no other politician could rival, had in the preceding year accepted, with very doubtful propriety, the position of paid agent of New York; and in 1774 he made his great speech on American taxation. In the same year Chatham reappeared in the House of Lords, and took a prominent part in the American debates. Burke and Chatham continued to differ on the question of the abstract right of Parliament to tax

America, but they agreed in maintaining that the union to the British Crown of a vast, civilised and rapidly progressive country, evidently destined to take a foremost place in the history of the world, was a matter of vital importance to the future of the Empire. In the speeches and letters of Chatham especially, this doctrine is maintained in the most emphatic language. 'I fear the bond between us and America,' he wrote in 1774, 'will be cut off for ever. Devoted England will then have seen her best days, which nothing can restore again.'[1] 'Although I love the Americans as men prizing and setting a just value upon that inestimable blessing, liberty, yet if I could once persuade myself that they entertain the most distant intention of throwing off the legislative supremacy and great constitutional superintending power and control of the British Legislature, I should myself be the very first person . . . to enforce that power by every exertion this country is capable of making.'[2]

In the speeches of Burke, no passages of equal emphasis will be found; but Burke, like Chatham, entirely refused at this time to contemplate the separation of the colonies from the Empire; and he maintained that the only good policy was a policy of conciliation, reverting to the condition of affairs which existed before the Stamp Act, and repealing all the coercive and aggressive laws which had since then been promulgated. This was what the Americans themselves asked. In presenting a petition from the Assembly of Massachusetts in August 1773, Franklin, their Agent, had written 'that a sincere disposition prevails in the people there to be on good terms with the mother country; that the Assembly have declared their desire only to be put into the situation they were in before the Stamp Act. They aim at no

[1] Thackeray's *Life of Chatham*, ii. 274.
[2] Ibid. ii. 279.

revolution.'[1] In this spirit Burke urged their claims. 'Revert to your old principles . . . leave America, if she has taxable matter in her, to tax herself. I am not here going into a distinction of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions. I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. . . . Let the memory of all actions in contradiction to that good old mode, on both sides be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them with taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. If intemperately, unwisely, fatally, you sophisticate and poison the very source of government by urging subtle deductions and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question.'

The duty on tea should especially be at once repealed. It was said that it was an external tax such as the Americans had always professed themselves ready to pay; that port duties had been imposed by Grenville as late as 1764 without exciting any protest, and that it was therefore evident that the claims of the Americans were extending. But the American distinction had always been that they would acknowledge external taxes, which were intended only to regulate trade; but not internal taxes, which were intended to raise revenue. Townshend, with unhappy ingenuity, proved that an

[1] Franklin's *Works*, iv. 482.

external tax could be made to raise revenue like an internal tax, and this purpose was expressly stated in the preamble of the Act. 'It was just and necessary,' the preamble said, 'that a revenue should be raised there;' and again, the Commons 'being desirous to make some provision in the present Session of Parliament towards raising the said revenue.

It would also be difficult to conceive a more absurd position than that of the ministry which retained the tea duty. It was an intelligible policy to force the Americans to support an army for the defence of the Empire; but it was calculated that the duty would at the utmost produce 16,000*l.* a year, and the ministry had precluded themselves from the possibility of increasing the revenue. Townshend no doubt had meant to do so; but Lord North had authorised Lord Hillsborough to assure the colonial Governors, in his letter of May 1769, 'that his Majesty's present Administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America for the purpose of raising a revenue.' 16,000*l.* a year was therefore the utmost the Ministers expected from a policy which had led England to the brink of an almost inevitable war. But even this was not all. In order to impose this unhappy port duty of 3*d.* in the pound on the Americans, Parliament had actually withdrawn a duty of 1*s.* in the pound which had hitherto been paid without question and without difficulty upon exportation from England, and which necessarily fell chiefly, if not wholly, upon those who purchased the tea. 'Incredible as it may seem, you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting three-fourths less, through every hazard, through certain litigation, and possibly through war.'[1] It was

[1] The East India Company had clearly seen the absurdity of the transaction, and offered that the Government should retain a

said that the duty was merely an assertion of right, like the Declaratory Act of 1766. The answer is to be found in the very preamble of the new Act, which asserted not merely the justice, but also the expediency, of taxing the colonies. A simple repeal was the one possible form of conciliation, for a legislative union between countries 3,000 miles apart was wholly impracticable, and the idea was absolutely repudiated by the colonies. On the subject of the restrictive trade laws, Burke wisely said as little as possible. He knew that the question could not be raised without dividing the friends of America, and probably without alienating the commercial classes, who were the ch' English opponents of American taxation.

Whether the policy of Burke and Chatham would have succeeded is very doubtful. After so much agitation and violence, after the promulgation of so many subversive doctrines in America, and the exhibition of so much weakness and vacillation in England, it could scarcely be expected that the tempest would have been calmed, and that the race of active agitators would have retired peaceably into obscurity. Philosophers in their studies might draw out reasonable plans of conciliation, but pure reason plays but a small part in politics, and the difficulty of carrying these plans into execution was enormous. Party animosities, divisions, and subdivisions; the personal interests of statesmen who wanted to climb into office, and of agitators who wanted to retain or increase their power; the obstinacy of the Court, which was opposed to all concession to the colonies, and no less opposed to a consolidation of parties at home; the spirit of commercial monopoly,

duty of sixpence in the pound on exportation, provided it consented to repeal the duty of threepence in the pound paid in America. *Parl. Hist.* xviii. 178.

which made one class averse to all trade concessions; the heavy weight of the land tax, which made another class peculiarly indignant at the refusal of the colonists to bear the burden of their own defence; the natural pride of Parliament, which had been repeatedly insulted and defied; the anger, the jealousy, and the suspicion which recent events had created on both sides of the Atlantic; the doubts which existed in England about the extent to which the disloyal spirit of New England had permeated the other colonies; the doubts which existed in America about which of the many sections of English public opinion would ultimately obtain an ascendency; and, finally, the weak characters, the divided opinions, the imperfect information, and the extremely ordinary capacities of the English ministers, must all be taken into account. Had Chatham been at the head of affairs and in the full force of his powers, conciliation might have been possible; but such a policy required a firm hand, an eagle eye, a great personal ascendency.

Popular opinion in England, which had supported the repeal of the Stamp Act, and had acquiesced in the repeal of the greater part of Townshend's Act, was now opposed to further concession. England, it was said, had sufficiently humiliated herself. The claims and the language of the colonial agitators excited profound and not unnatural indignation, and every mail from America brought news that New England at least was in a condition of virtual rebellion; that Acts of Parliament were defied and disobeyed with the most perfect impunity; that the representatives of the British Government were habitually exposed to the grossest insult, and reduced to the most humiliating impotence. The utility of colonies to the mother country was becoming a doubtful question to some. Ministers, it was said, admitted in Parliament that 'it might be a great question whether the colonies should

not be given up.'[1] England, indeed, was plainly staggering under the weight of her empire. In 1774, on the very eve of its gigantic struggle, Parliament resounded with complaints of the magnitude of the peace establishment, and there were loud cries for reduction. It was noticed that the land tax was 1s. higher than in any previous peace establishment; that the Three per Cents, which some years ago were above 90, had now fallen to about 86; that the land and malt taxes were almost entirely absorbed by the increased expenditure required for the navy.[2] All this rendered the attitude of the colonies peculiarly irritating. The publication of the letters of Hutchinson produced great indignation among English politicians; and the burning of the 'Gaspee,' the destruction of tea in Boston harbour, and the manifest connivance of the whole population in the outrage, raised that indignation to the highest point. The time for temporising, it was said, was over. It was necessary to show that England possessed some real power of executing her laws and protecting her officers, and the ministers were probably supported by a large majority of the English people when they resolved to throw away the scabbard, and to exert all the powers of Parliament to reduce Massachusetts to obedience.

The measures that were taken were very stringent. By one Act the harbour of Boston was legally closed.

[1] *Annual Register*, 1774, p. 62. The King himself wrote (Nov. 1774): 'We must either master them [the colonies] or totally leave them to themselves, and treat them as aliens.' — *Correspondence of George III.* i. 216. As early as Jan. 1769 Hussey, the Attorney-General to the Queen, said in Parliament, 'I have my doubts whether there should ever be a strict union between the colonies and the mother country; I have doubts whether they are a real service or a burthen to us; but I never had a doubt as to our right to lay an internal tax upon them.'—*Cavendish Debates*, i. 197.

[2] *Annual Register*, 1774, p. 53.

The Custom-house officers were removed to Salem. All landing, lading, and shipping of merchandise in Boston harbour was forbidden, and English men-of-war were appointed to maintain the blockade. The town, which owed its whole prosperity to its commercial activity, was debarred from all commerce by sea, and was to continue under this ban till it had made compensation to the East India Company for the tea which had been destroyed, and had satisfied the Crown that trade would for the future be safely carried on in Boston, property protected, laws obeyed, and duties regularly paid.[1]

By another Act, Parliament exercised the power which, as the supreme legislative body of the Empire, Mansfield and other lawyers ascribed to it, of remodelling by its own authority the Charter of Massachusetts. The General Assembly, which was esteemed the legitimate representative of the democratic element in the Constitution, was left entirely untouched; but the Council, or Upper Chamber, which had been hitherto elected by the Assembly, was now to be appointed, as in most of the other colonies of America, by the Crown, and the whole executive power was to cease to emanate from the people. The judges and magistrates of all kinds, including the sheriffs, were to be appointed by the royal governor, and were to be revocable at pleasure. Jurymen, instead of being chosen by popular election, were to be summoned by the sheriffs. The right of public meeting, which had lately been much employed in inciting the populace against the Government, was seriously abridged. No meeting except election meetings might henceforth be held, and no subject discussed, without the permission of the governor.[2]

It was more than probable that such grave changes would be resisted by force, that blood would be shed,

[1] 14 George III. c. 19. [2] Ibid. c. 45.

and that English soldiers would again be tried for their lives before a civil tribunal. The conduct of the Boston judges and of the Boston jury at the trial of Captain Preston and his soldiers had redounded to their immortal honour; but Government was resolved that no such risk should be again incurred, and that soldiers who were brought to trial for enforcing the law against the inhabitants of Boston, should never again be tried by a Boston jury. To remove the trial of prisoners from a district where popular feeling was so violent that a fair trial was not likely to be obtained, was a practice not wholly unknown to English law. Scotch juries were not suffered to try rebels, or Sussex juries smugglers; and an Act was now passed 'for the impartial administration of justice,' which provided that if any person in the province of Massachusetts were indicted for murder or any other capital offence, and if it should appear to the governor that the incriminated act was committed in aiding the magistrates to suppress tumult and riot, and also that a fair trial cannot be had in the province, the prisoner should be sent for trial to any other colony, or to Great Britain.[1]

Those were the three great coercive measures of 1774. It is not necessary to dilate upon them, for their character is transparently evident, and the provocation that produced them has been sufficiently explained. The colonial estimate of them was tersely stated in the remonstrance of the province. 'By the first,' they say, 'the property of unoffending thousands is arbitrarily taken away for the act of a few individuals; by the second our chartered liberties are annihilated, and by the third our lives may be destroyed with impunity.' General Gage, who had for some years been commander-in-chief of the whole English army in

[1] 14 George III. c. 39.

America, was appointed Governor of Massachusetts, and entrusted with the task of carrying out the coercive policy of Parliament; and in order to assist him, an Act was carried, quartering soldiers on the inhabitants.[1]

One other measure relating to the colonies was carried during this session, which met with great opposition, and which, though important in American history, is still more important in the history of religious liberty. It was the famous Quebec Act, for the purpose of ascertaining the limits and regulating the condition of the new province of Canada.[2] The great majority of the inhabitants of that province were French, who had been accustomed to live under an arbitrary government, and whose religious and social conditions differed widely from those of the English colonists. The Government resolved, as the event showed very wisely, that they would not subvert the ancient laws of the province, or introduce into them the democratic system which existed in New England. The English law with trial by jury was introduced in all criminal cases; but as all contracts and settlements had hitherto been made under French law, and as that law was most congenial to their tastes and habits and traditions, it was maintained.[3] In all civil cases, therefore, French law without trial by jury continued in force. A legislative Council, varying from seventeen to twenty-three members, open to men of both religions, and appointed by the Crown, managed all legislative business except taxation, which was expressly reserved. The territory of the province, determined by the proclamation of 1763, was enlarged so as to include

[1] 14 George III. c. 54.

[2] Ibid. c. 83.

[3] According to General Carleton, the Governor, Canada contained 150,000 Catholics, and less than 400 Protestants; and the French Catholics greatly preferred having their trials determined by judges to having them determined by juries, and had not the least desire for any popular assemblies.—*Parl. Hist.* xvii. 1367, 1368.

some outlying districts, which were chiefly inhabited by French; and by a bold measure, which excited great indignation both among the Puritans of New England and among the Whigs at home, the Catholic religion, which was that of the great majority of the inhabitants, was virtually established. The Catholic clergy obtained a full parliamentary title to their old ecclesiastical estates, and to tithes paid by members of their own religion; but no Protestant was obliged to pay tithes.

The Quebec Act was little less distasteful to the colonists than the coercive measures that have been related. The existence upon their frontiers of an English state governed on a despotic principle was deemed a new danger to their liberties, while the establishment of Catholicism offended their deepest religious sentiment. Its toleration had indeed been provided for by the Peace of Paris, and on the death of the last French bishop the Government had agreed to recognise a resident Catholic bishop on the condition that he and his successors should be designated by itself, but the political position of the Catholics had been for some time undetermined. The Protestant grand jurors at Quebec had insisted that no Catholic should be admitted to grand or petty juries, and the party they represented would have gladly concentrated all civil and political power in the hands of an infinitesimal body of Protestant immigrants, degraded the Catholics into a servile caste, and reproduced in America in a greatly aggravated form the detestable social condition which existed in Ireland. At home the strength of the anti-Catholic feeling was a few years later abundantly shown, but, with the exception of some parts of Scotland, no portion of the British Islands was animated with the religious fervour of New England, and no sketch of the American Revolution is adequate which does not take this influence into account. In this as in many other

respects these colonies presented a vivid image of an England which had long since passed away. Their democratic church government, according to which each congregation elected its own minister, their historical connection with those austere republicans who had abandoned their native country to worship God after their own fashion in a desert land, and the intensely Protestant type of their belief, had all conspired to strengthen the Puritan spirit, and in the absence of most forms of intellectual life the pulpit had acquired an almost unparalleled ascendency. The chief and almost the only popular celebration in Massachusetts before the struggle of the Revolution was that of the 5th of November.[1] In Boston, which was the chief centre of the political movement, the theological spirit was especially strong, for the population was unusually homogeneous both in race and in religion. The Congregationalists were three or four times as numerous as the Episcopalians, and other sects were as yet scarcely represented.[2]

The spirit of American puritanism was indeed so fierce and jealous that the American Episcopalians who were connected with the English Church were never suffered in the colonial period to have a bishop among them, but remained under the jurisdiction of the Bishop of London. Berkeley, Butler, and Secker had vainly represented how injurious this system was to the spiritual welfare of the American Episcopalians. Sherlock complained bitterly that he was made responsible for the religious welfare of a vast country which he had

[1] See a curious account of this celebration in Tudor's *Life of Otis*, pp. 26–29. It degenerated into a violent contention between different parts of Boston. When the Americans invaded Canada in 1775, Washington forbade the commemoration, lest it should irritate the Canadian Catholics. Sparks' *Washington*, iii. 144.

[2] Tudor's *Life of Otis*, pp. 446, 447.

never seen, which he never would see, and over which he could exercise no real influence. Gibson tried to exercise some control over the colonial clergy, but found that he had no means of enforcing his will. Archbishop Tenison had even left a legacy for the endowment of two bishoprics in America. The Episcopalians themselves petitioned earnestly for a resident bishop, and stated in the clearest terms that they wished him to be only a spiritual functionary destitute of all temporal authority. 'The powers exercised in the consistory courts in England,' it was said, 'are not desired for bishops residing in America.' They were not to be supported by any tax; they were not to be placed either in New England or Pennsylvania, where non-episcopal forms of religion prevailed, or to be suffered in any colony to exercise any authority, except over the members of their own persuasion.[1] It was urged that those who were in communion with the Established Church of England were the only Christians in America who were deprived of what they believed to be the necessary means of religious discipline; that the rite of confirmation, which is so important in the Anglican system, was unknown among them; that it was an intolerable grievance and a fatal discouragement to their

[1] See the report of Bishop Sherlock to the King in Council, on the Church in the Colonies. — *Documents relating to the Colonial History of New York*, vii. 360–369. Much information about the condition of the Episcopalians in America will be found in the correspondence between Archbishop Secker and some American clergymen in the same volume. According to Sherlock, the Episcopalian ministers in America were chiefly Scotch and Irish. A great number of them appear to have been educated in Dublin University. The Massachusetts Assembly, writing in 1768 to their Agent in England, against the taxation of America by England, say: 'The revenue raised in America, for aught we can tell, may be as constitutionally applied towards the support of prelacy, as of soldiers and pensioners;' and they add: 'We hope in God such an establishment will never take place in America.'—Wells' *Life of S. Adams*, i. 200.

creed, that every candidate for ordination was obliged to travel 6,000 miles before he could become qualified to conduct public worship in his own village. By a very low computation, it was said, this necessity alone imposed on each candidate an expenditure of 100*l.*, and out of fifty-two candidates who, in 1767, crossed the sea from the Northern colonies, no less than ten had died on the voyage or from its results.[1] More than once the propriety of sending out one or two bishops to the colonies had been discussed, but the notion always produced such a storm of indignation in New England that it was speedily abandoned. It was not indeed a question on which the Ministers at all cared to provoke American opinion; and it is a curiously significant illustration of the theological indifference of the English Government that the first Anglican colonial bishop was the Bishop of Nova Scotia, who was only appointed in 1787; and that the first Anglican Indian bishop was the Bishop of Calcutta, who was appointed by the influence of Wilberforce in 1814.

It is easy to conceive how fiercely a Protestantism as jealous and sensitive as that of New England must have resented the establishment of Catholicism in Canada; and in the New England colonies the political influence exercised by the clergy was very great. Public meetings were held in the churches. Proclamations were read from the pulpit. The Episcopalianism of a large proportion of the Government officers contributed perceptibly to their unpopularity; political preaching was almost universal, and the sermons of Mayhew, Chauncey, and Samuel Cooper had much influence in stimulating resistance. The few clergymen who abstained from introducing politics into the pulpit

[1] Petition to Lord Hillsborough from the Anglican clergy of New York and New Jersey, Oct. 12 1771. MSS. Record Office.

were looked upon with great suspicion or dislike.[1] The fast days which were held in every important crisis diffused, intensified, and consecrated the spirit of resistance, and gave a semi-religious tone to the whole movement. There were a few prominent leaders, indeed, who were of a different character. Otis lamented bitterly that the profession of a saintly piety was in New England the best means of obtaining political power. Franklin was intensely secular in the character of his mind, and his theology was confined to an admiration for the pure moral teaching of the Evangelists, while Jefferson sympathised with the freethinkers of France; but such ways of thinking were not common in America, and the fervid Puritanism of New England had a very important bearing upon the character of the struggle.

It was soon evident that the Americans were not intimidated by the Coercion Acts, and that the hope of the ministry that resistance would be confined to Massachusetts, and perhaps to Boston, was wholly deceptive. The closing of the port of Boston took place on the 1st of June, 1774, but before that time the sympathies of the other colonies had been clearly shown. The Assembly of Virginia, which was in session when the news of the intended measure arrived, of its own authority appointed the 1st of June to be set apart as a day of

[1] This was one of the charges brought against Dr. Byles, a well-known Tory clergyman in Boston. He answered his accusers: 'I do not understand politics, and you all do. . . . You have politics all the week: pray let one day in seven be devoted to religion. . . . Give me any subject to preach on of more consequence than the truths I bring to you, and I will preach on it next Sabbath.' Lafayette mentions how, 'ayant taxé un ministre anglican de ne parler que du ciel,' he was much gratified on the following Sunday by hearing from the pulpit a denunciation of the 'execrable house of Hanover.'—*Mém. de Lafayette*, i. 38. See, too, on the use made of days of 'fasting and prayer' for the purpose of exciting the revolutionary feeling, Tucker's *Life of Jefferson*, i. 54, 55.

fasting, prayer, and humiliation, 'to implore the divine interposition to avert the heavy calamity which threatened destruction to their civil rights, with the evils of civil war, and to give one heart and one mind to the people firmly to oppose every injury to the American rights.' The Governor at once dissolved the House, but its members reassembled, drew up a declaration expressing warm sympathy with Boston, and called upon all the colonies to support it.

The example was speedily followed. Subscriptions poured in for the relief of the Boston poor who were thrown out of employment by the closing of the port. Virginia, South Carolina, and Maryland sent great quantities of corn and rice. Salem and Marblehead, which were expected to grow rich by the ruin of Boston, offered the Boston merchants the free use of their harbours, wharfs, and warehouses. Provincial, town, and county meetings were held in every colony encouraging Boston to resist, and the 1st of June was generally observed throughout America as a day of fasting and prayer. The Assembly of Massachusetts was convoked by the new Governor, and soon after removed from Boston to Salem. and it showed its feelings by calling on him to appoint a day of general fasting and prayer, by recommending the assembly of a congress of representatives of all the colonies to take measures for the security of colonial liberty, by accusing the British Government of an evident design to destroy the free constitutions of America, and to erect in their place systems of tyranny and arbitrary sway, and by appealing to their constituents to give up every kind of intercourse with England till their wrongs were redressed. As was expected in Boston, the Assembly was at once dissolved, but the movement of resistance was unchecked. An attempt made by some loyalists to procure a resolution from a public meeting

in favour of paying the East India Company for the tea which had been destroyed was defeated by a great majority. The system of committees charged in every district with organising resistance and keeping up correspondence between the colonies, which had been found so efficient in 1765 and 1767, was revived; the press and the pulpit all over America called on the people to unite; and a 'solemn league and covenant' was formed, binding the subscribers to abstain from all commercial intercourse with Great Britain till the obnoxious Acts were repealed. It was agreed that all delinquents should be held up in the newspapers to popular vengeance, and on the 5th of September, 1774, the delegates of the twelve States assembled in Congress at Philadelphia.

'The die is now cast,' wrote the King at this time; 'the colonies must either submit or triumph.' The war did not indeed yet break out, but both sides were rapidly preparing. Fresh ships of war and fresh troops were sent to Boston. General Gage fortified the neck of land which connected it with the continent; he took possession, amid fierce demonstrations of popular indignation, of the gunpowder in some of the arsenals of New England; he issued a proclamation describing the new 'league and covenant' as 'an illegal and traitorous combination,' but he was unable to obtain any prosecution. He tried to erect new barracks in Boston, but found it almost impossible to obtain builders. Most of the new councillors appointed by the Crown were obliged by mob violence to resign their posts, and the few who accepted the appointment were held up to execration as enemies of their country. Riots and outrages were of almost daily occurrence. Conspicuous Tories were tarred and feathered, or placed astride of rails, and carried in triumph through the streets of the chief towns. One man was fastened in the body of a

dead ox which he had bought from an obnoxious loyalist, and thus carted for several miles between Plymouth and Kingston. Another was nearly suffocated by being confined in a room with a fire, while the chimney and all other apertures were carefully closed. Juries summoned under the new regulations refused to be sworn. Judges who accepted salaries from the Crown were prevented by armed mobs from going to their courts. Most of the courts of justice in Massachusetts were forcibly closed, and the judges of the Supreme Court informed General Gage that it was totally impossible for them to administer justice in the province, that no jurors could be obtained, and that the troops were altogether insufficient for their protection.

Conspicuous politicians, even members of the Congress, are said to have led the mobs. In Berkshire the mob actually forced the judges from the bench and shut up the court-house. At Worcester, about 5,000 persons, a large proportion of them being armed, having formed themselves in two files, compelled the judges, sheriffs, and gentlemen of the bar to pass between them with bare heads, and at least thirty times to read a paper promising to hold no courts under the new Acts of Parliament. At Springfield the judges and sheriffs were treated with the same ignominy. At Westminster, in the province of New York, the court-house and gaol were captured by the mob, and the judges, sheriffs, and many loyalist inhabitants were locked up in prison. A judge in the same province had the courage to commit to prison a man who was employed in disarming the loyalists. The prisoner was at once rescued, and the judge carried, tarred and feathered, five or six miles through the country.[1] Great numbers of loyalists were driven

[1] Moore's *Diary of the American Revolution*, i. 37-52, 138. This very interesting book is a collection of extracts from the

from their estates or their business; and except under the very guns of British soldiers, they could find no safety in New England. As the Crown possessed scarcely any patronage in the colonies to reward its friends, all but the most courageous and devoted were reduced to silence, or hastened to identify themselves with the popular cause. 'Are not the bands of society,' wrote a very able loyalist at this time, 'cast asunder, and the sanctions that hold man to man trampled upon? Can any of us recover debts, or obtain compensation for an injury, by law? Are not many persons whom we once respected and revered driven from their homes and families, and forced to fly to the army for protection, for no other reason but their having accepted commissions under our King? Is not civil government dissolved? . . . What kind of offence is it for a number of men to assemble armed, and forcibly to obstruct the course of justice, even to prevent the King's courts from being held at their stated terms; to seize upon the King's provincial revenue, I mean the moneys collected by virtue of grants made to his Majesty for the support of his government within this province; to assemble without being called by authority, and to pass Governmental Acts; to take the militia out of the hands of the King's representative, or to form a new militia; to raise men and appoint officers for a public purpose without the order or permission of the King or his representative, or to take arms and march with a professed design of opposing the King's troops?' 'Committees not known in law . . . frequently elect themselves into a tribunal, where the same persons are at once legislators, accusers, witnesses, judges, and jurors, and the mob the execu-

contemporary newspapers on both sides of the question, and gives a vivid picture of the social condition of the colonies. See, too, Force's *American Archives* (4th series), i. 747, 748, 767–769, 795, 1260–1263.

tioners. The accused has no day in court, and the execution of the sentence is the first notice he receives. This is the channel through which liberty matters have been chiefly conducted the summer and fall past. . . . It is chiefly owing to these committees that so many respectable persons have been abused and forced to sign recantations and resignations; that so many persons, to avoid such reiterated insults as are more to be deprecated by a man of sentiment than death itself, have been obliged to quit their houses, families, and business, and fly to the army for protection; that husband has been separated from wife, father from son, brother from brother, the sweet intercourse of conjugal and natural affection interrupted, and the unfortunate refugee forced to abandon all the comforts of domestic life.'[1] Even in cases which had little or no connection with politics, mob violence was almost uncontrolled. Thus a custom-house officer named Malcolm, who in a street riot had struck or threatened to strike with a cutlass a person who insulted him, was dragged out of his house by the mob, stripped, tarred and feathered, then carted for several hours during an intense frost, and finally scourged, with a halter round his neck, through the streets of Boston, and all this was done in the presence of thousands of spectators, and with the most absolute impunity. At Marblehead the mob, believing that an hospital erected for the purpose of inoculation was spreading contagion, burnt it to the ground, and for several days the whole town was in their undisputed possession.[2]

[1] *Massachusettensis, or Letters on the present Troubles of Massachusetts Bay*, Letters I., IV.

[2] Ibid. Letter III. These very remarkable letters were written by Leonard, one of his Majesty's Council. The author was himself driven from his house in Taunton, and bullets were fired into it.—Moore's *Diary*, i. 38. Among the numerous persons who were at this time driven into exile was Dr. Cooper, President of King's College in New York,

Among many graver matters, an amusing indignation was about this time excited by a proclamation which General Gage, according to a usual custom, issued 'for the encouragement of piety and virtue, and the prevention of vice, profaneness, and immorality.' The General knew that the Boston preachers made it a favourite theme that the presence of British soldiers was fatal to the purity of New England morals, and he now for the first time inserted 'hypocrisy' in the list of the vices against which the people were warned. The vehemence with which this was resented as a studied insult to the clergy, convinced many impartial persons that the insinuation was not wholly undeserved.

The people were in the meantime rapidly arming. Guns were collected from all sides, the militia was assiduously drilled, and its organisation was improved; bodies of volunteers called 'minute men' were formed, who were bound to rise to arms at the shortest notice, and New England had all the aspect of a country at war. A false alarm was spread abroad—possibly in order to ascertain the number who would rise in case of insurrection—that the British troops and vessels were firing upon Boston, and in a few hours no less than 30,000 men from Massachusetts and Connecticut are said to have been in arms. The collision was happily averted, but this incident gave the popular party new confidence in their strength, and over the greater part of New England their ascendency was undisputed. The new seat of government at Salem was abandoned; the new councillors, and all or nearly all the officers connected

and the most distinguished Episcopalian in America. He had written something on the loyalist side, and accordingly received a letter threatening his life, and was soon after compelled to fly half-dressed over the college fence, to take refuge in an English ship of war, and ultimately in England.—*Documents relating to the Colonial History of New York*, viii. 297.

with the revenue, fled for safety to Boston, and although the troops were not openly resisted they experienced on every side the animosity of the people. Farmers refused to sell them provisions. Straw which they had purchased was burnt. Carts with wood were overturned, boats with bricks were sunk, when it was discovered that they were for the King's service, and at the same time colonial agents were industriously tempting individual soldiers to desert.

The Congress which met in Philadelphia, though it had no legal authority, was obeyed as the supreme power in America. It consisted of delegates selected by the Provincial Assemblies which then were sitting, and, in cases where the Governors had refused to convoke these Assemblies, by Provincial Congresses called together for that purpose. Except Georgia, all the colonies which existed before the peace of 1763 were represented. The number of delegates varied according to the magnitude of the States, but after much discussion it was determined that no colony should count for more than one in voting. The Congress in the first place expressed its full and unqualified approbation of the conduct of the inhabitants of Boston, exhorted them to continue unflinching in their opposition to the invasion of their Constitution, and invited the other colonies to contribute liberally to their assistance. It next drew up a series of extremely able State papers defining and enforcing the position of the Americans. After long debate and violent difference of opinion, it was resolved not to treat the commercial restrictions as a grievance, or to deny the general legislative authority of Parliament over America. Franklin, as we have seen, had recently contended that the colonies, though subject to the King, were by right wholly independent of the Parliament, and, this doctrine had been formally maintained by the Assembly of Massachusetts in its addresses

of 1773, but it was not the contention of the original opponents of the Stamp Act,[1] and it was not generally accepted in the other colonies.[2] The Congress, therefore, while asserting in the strongest terms the exclusive right of the provincial legislatures in all cases of taxation and internal policy, at last consented to add these remarkable words in their declaration of rights: 'From the necessity of the case and in regard to the mutual interests of both countries, we cheerfully consent to the operation of such Acts of the British Parliament as are *bonâ fide* restrained to the regulation of our external commerce for the purpose of securing the commercial advantages of the whole Empire to the mother country and the commercial benefits of its respective members.' They enumerated, however, a long series of Acts carried

[1] Even Otis, who had been the first to denounce the commercial restrictions as unconstitutional, and who repudiated writs of assistance as the creation of the English Parliament, maintained —not very consistently—that Parliament had a real legislative authority in America, and he deprecated in the strongest language any measure tending to separation. 'The supreme Legislative,' he wrote in 1765, 'represents the whole society or community, as well the dominions as the realm; and this is the true reason why the dominions are justly bound by such Acts of Parliament as name them. This is implied in the idea of a supreme sovereign power; and if the Parliament had not such authority the colonies would be independent, which none but rebels, fools, or madmen will contend for.'—*Answer to the Halifax Libel*, p. 16. The same doctrine is laid down with equal emphasis in the *Farmer's Letters*: 'The Parliament unquestionably possesses a legal authority to regulate the trade of Great Britain and all its colonies. Such an authority is essential to the relation between a mother country and its colonies. . . . We are but parts of a whole, and therefore there must exist a power somewhere to preside and preserve the connection in due order. This power is lodged in the Parliament.'—Letter II.

[2] Story's *Constitution of the United States*, i. 178, 179. Jefferson says that about the middle of 1774 he maintained that the relations of England to the colonies were similar to those of England with Scotland before the Union, or of England with Hanover at present, but he only found one person to agree with him.—*Autobiography*.

during the present reign which were violations of their liberty, and which must be repealed if the two countries were to continue in amity. Among them were the Acts closing the harbour of Boston, changing the constitution of Massachusetts, establishing despotic government and the Popish religion in Canada, interfering with the right of public meeting, quartering British troops upon the colonists, and above all imposing taxation by Imperial authority.

They pronounced it unnecessary to maintain a standing army in the colonies in time of peace, and illegal to do so without the consent of the local legislatures. They complained also that their assemblies had been arbitrarily dissolved, that their governors had conspired against their liberty, and that in several cases they had been deprived of their constitutional right of trial by jury or at least by a 'jury of the vicinage.' The Court of Admiralty tried revenue cases without a jury, and the Governor had power to send for trial out of the colony those who were accused of treason, of destroying the King's ships or naval stores, or of homicide committed in suppressing riot or rebellion. All this mass of legislation Parliament must speedily and absolutely repeal. For the present, however, the Congress resolved to resort only to peaceful means, and their weapon was a rigid non-importation, non-consumption, and non-exportation agreement, which was to be imposed by their authority upon all the colonies they represented and was to continue until their grievances had been fully redressed.

From December 1 following, the members of the Congress bound themselves and their constituents to import no goods from Great Britain, to purchase no slave imported after that date and no tea imported on account of the East India Company, and to extend the same prohibition to the chief products of the British

plantations, to the wines of Madeira and the West India islands which were unloaded to pay duty in England, and to foreign indigo. On September 10, 1775, if the grievances were not yet redressed a new series of measures were to come into force, and no commodity whatever was to be exported from America to Great Britain, Ireland, or the West Indies, except rice to Europe; committees were to be appointed in every town and county to observe the conduct of all persons touching this association, and to publish in the 'Gazette' the name of anyone who had violated it; and all dealings with such persons and with any portion of the colonies which refused to join the association were forbidden. At the same time the Congress agreed for themselves and their constituents to do the utmost in their power to encourage frugality and promote manufactures, to suppress or suspend every form of gambling and expensive amusement, to abandon the custom of wearing any other mourning than a black ribbon or necklace for the dead, and to diminish the expenditure at funerals.

In addition to these measures, they issued very powerful addresses to the King and to the people of England professing their full loyalty to the Crown, but enumerating their grievances in emphatic terms. In the address to the people of England they skilfully appealed to the strong anti-Catholic feeling of the nation, denying the competence of the Legislature 'to establish a religion fraught with sanguinary and impious tenets,' 'a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world;' and they predicted that if the ministers succeeded in their designs, 'the taxes from America, the wealth and, we may add, the men, and particularly the Roman Catholics of this vast continent, will be in their power' to enslave

the people of Great Britain. Their own attachment to Great Britain they emphatically affirmed. 'You have been told,' they said, 'that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts but calumnies. . . . Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.' At the same time, in an ingenious address to the Canadians they endeavoured to alienate them from England, to persuade them that they were both oppressed, deceived, and insulted by the present ministers, and to induce them to join with the other colonies in vindicating their common freedom. Difference of religion, they maintained, could be no bar to co-operation. 'We are too well acquainted,' they said, 'with the liberality of sentiment distinguishing your nation to imagine that difference of religion will prejudice you against a hearty amity with us,' and they referred to the example of the Swiss cantons, where Protestant and Catholic combined with the utmost concord to vindicate and guard their political liberty. Having issued these addresses, the Congress dissolved itself in less than eight weeks; but it determined that unless grievances were first redressed, another Congress should meet at Philadelphia on May 10 following, and it recommended all the colonies to choose deputies as soon as possible.[1]

Such were the proceedings of this memorable body, which laid the foundation of American independence. Perhaps the most perplexing question raised by its proceedings is the degree of sincerity that can be ascribed to the disclaimer of all wish for separation. That a considerable party in New England anticipated and

[1] *Journal of the Proceedings of the Congress held at Philadelphia, Sept.* 1774. See, too, the account of the debates in Adams' *Diary*.

desired an open breach with England appears to me undoubted, but it is equally certain that many of the leading agents in the Revolution expressed up to the last moment a strong desire to remain united to England. It was in August 1774, when the Americans were busily arming themselves for the struggle, that Franklin assured Chatham that there was no desire for independence in the colonies.[1] John Adams, who had not, like Franklin, the excuse of absence from his native country, wrote in March 1775, even of the people of Massachusetts, 'that there are any that pant after independence is the greatest slander on the province.' Jefferson declared that before the Declaration of Independence he had never heard a whisper of disposition to separate from Great Britain; and Washington himself, in the October of 1774, denied in the strongest terms that there was any wish for independence in any province in America.[2]

The truth seems to be that the more distinguished Americans were quite resolved to appeal to the sword rather than submit to parliamentary taxation and to the other oppressive laws that were complained of, but if they could restore the relations to the mother country which subsisted before the Stamp Act, they had no desire whatever to sever the connection. In 1774 and during the greater part of 1775 very few Americans wished for independence, and long after this period many of those who took an active part in the Revolution would gladly have restored the connection if they could have done so on terms which they considered compatible

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[1] He said to Chatham that, 'having more than once travelled almost from one end of the continent to the other, and kept a great variety of company—eating, drinking, and conversing with them freely, I have never heard in any conversation, from any person, drunk or sober, the least expression of a wish for a separation, or hint that such a thing would be advantageous to America.'—Negotiations in London. Franklin's *Works*, v. 7.

[2] See on this subject Washington's *Works*, ii. 401, 496–502.

with their freedom. The instructions of the chief colonies to their delegates in Congress are on this subject very unequivocal. Thus New Hampshire instructed its delegates to endeavour 'to restore that peace, harmony, and mutual confidence which once happily subsisted between the parent country and her colonies.' Massachusetts spoke of 'the restoration of union and harmony between Great Britain and the colonies most ardently desired by all good men.' Pennsylvania enjoined its representatives to aim not only at the redress of American grievances and the definition of American rights, but also at the establishment of 'that union and harmony between Great Britain and her colonies which is indispensably necessary to the welfare and the happiness of both.' Virginia aspired after 'the return of that harmony and union so beneficial to the whole Empire and so ardently desired by all British America,' and North and South Carolina adopted a similar language.[1] In 1775 the Convention of South Carolina assured their new governor that they adhered to the British Crown, though they had taken arms against British tyranny. The Virginian Convention in the same year declared 'before God and the world' that they bore their faith to the King, and would disband their forces whenever the liberties of America were restored; the Assembly of New Jersey, while their State was in open rebellion, rebuked their governor for supposing the Americans to be aiming at national independence;[2] and, lastly, the Provincial Congress of New York, when congratulating Washington on his appointment as commander-in-chief of the insurgent force, took care to add their assurance 'that whenever this important contest shall be decided by that fondest wish of

[1] *Journal of the Proceedings of the Congress held at Philadelphia*, Sept. 5, 1774.

[2] See other instances in Grahame, iv. 392, 395.

each American soul, an accommodation with our mother country, you will cheerfully resign the deposit committed into your hands.'[1]

Many other public documents might be cited showing that the Americans took up arms to redress grievances and not to establish independence, and that it was only very slowly and reluctantly that they became familiarised with the idea of a complete separation from England. Nor is there, I think, any reason to believe that this language was substantially untrue. In March 1776 General Reed, in confidential letters to Washington, lamented that the public mind in Virginia was violently opposed to the idea of independence.[2] Galloway, one of the ablest of the Pennsylvanian loyalists, afterwards expressed his belief before a committee of the House of Commons that at the time when the Americans took up arms less than a fifth part of them 'had independence in view;'[3] and John Adams when an old man related how, when he first went to the Congress at Philadelphia, the leading conspirators in that town said to him, 'You must not utter the word independence or give the least hint or insinuation of the idea either in congress or any private conversation; if you do you are undone, for the idea of independence is as unpopular in Pennsylvania and in all the Middle and Southern States as the Stamp Act itself.'[4] Adams tells how, when a letter which he had written in 1775 advocating independence was intercepted and published, he was 'avoided like a man infected with the leprosy,' and 'walked the streets of Philadelphia in solitude, borne down by the weight of care and unpopularity.'[5] Few men contributed more

[1] Ramsay, i. 220.

[2] March 3 and 15, 1776. See Washington's *Works*, iii. 347, 348.

[3] *Examination of Joseph Galloway*, p. 4.

[4] Adams' *Works*, ii. 512.

[5] Ibid. p. 513. In a confidential letter from New York, dated Aug. 7, 1775, Governor Tryon said: 'I should do great injustice to America were I to hold up an

to hasten the separation between the two countries, yet he afterwards wrote these remarkable words: 'For my own part there was not a moment during the Revolution when I would not have given everything I possessed for a restoration to the state of things before the contest began, provided we could have a sufficient security for its continuance.'[1]

In 1774 also, it is evident that a large proportion of the most ardent patriots imagined that redress could be obtained without actual fighting, and that the Legislature of the greatest country in the world would repeal no less than eleven recent Acts of Parliament in obedience to a mere threat of resistance. They knew that numerous urgent petitions in favour of conciliation had been presented by English merchants, and that many of the most conspicuous English politicians, including Chatham, Camden, Shelburne, Conway, Barré, and Burke, were on their side, and they overrated greatly the strength of their friends, and especially the effect of the non-importation agreements upon English prosperity. 'England,' it was argued in the Congress, 'is already taxed as much as she can bear. She is compelled to raise ten millions in time of peace. Her whole foreign trade is but four and half millions, while the value of the importations to the colonies is probably little, if at all, less than three millions.' 'A total non-importation and non-exportation to Great Britain and the West Indies must produce a national bankruptcy in a very short space of time.'[2] Richard Henry Lee, one of the most prominent Virginian politicians, was so confident in the effect of non-impor-

idea that the bulk of its inhabitants wishes an independency. I am satisfied (not to answer for our Eastern neighbours) a very large majority, particularly in this province, are utter enemies to such a principle.'—*Documents relating to the Colonial History of New York*, viii. 603.

[1] See Washington's *Works*, ii. 501.

[2] Speech of Chase. Adams' *Works*, ii. 383.

tation that he declared himself 'absolutely certain that the same ship which carries home the resolution will bring back the redress.'[1] Washington was more doubtful, but he expressed his opinion privately that by a non-importation and a non-exportation agreement combined, America would win the day, though one alone would be insufficient. John Adams, Hawley, and Patrick Henry, however, were of opinion that the proceedings of the Congress were very useful in uniting the colonies, but that they were quite insufficient to coerce Great Britain, and that the question must ultimately be decided by the sword.[2]

In England, on the other hand, there was to the very last a great disbelief in the reality of a colonial union. Nearly all the rumours of violence and insubordination had come from two or three of the New England States and from Virginia, and it was supposed that in the moment of crisis the other States would hold aloof, and that even in the insurgent colonies a large party of active loyalists could be fully counted on. Provincial governors being surrounded by such men were naturally inclined to underrate the capacity or the sincerity of their opponents, and they thought that the wild talk of lawyers and demagogues and the demonstrations of mob violence would speedily collapse before firm action. Hutchinson, who lived in the centre of the disaffection, and who ought to have known the New England character as well as any man, predicted that the people of America would not attempt to resist a British army, and that if they did a few troops would be sufficient to quell them.[3] His opinion appears to have had considerable weight with George III., and it greatly strengthened him in his determination to coerce.[4] General Gage for some

[1] Adams' *Works*, ii. 362.

[2] Tudor's *Life of Otis*, pp. 256, 257.

[3] Ibid. p. 428.

[4] *Correspondence of George III. with Lord North*, i. 194, 195.

time took the same view. He assured the King in the beginning of 1774 that the Americans 'will be lions while we are lambs, but if we take the resolute part they will undoubtedly prove very meek,' and he thought that 'four regiments, intended to relieve as many regiments in America, if sent to Boston' would be 'sufficient to prevent any disturbance.'[1] It is true that Carleton, the Governor of Canada, and Tryon, the Governor of New York, though they had no doubt of the ability of England to crush insurrection, warned the Government that the task would be a very serious one, and would require much time and large armies,[2] but the prevailing English opinion was that any armed movement could be easily repressed. Soldiers spoke of the Americans with professional arrogance, as if volunteers and militias organised by skilful and experienced officers, consisting of men who were accustomed from childhood to the use of arms, and fighting with every advantage of numbers and situation, were likely to be as helpless before regular troops as a Middlesex mob. Unfortunately, this ignorant boasting was not confined to the mess-room, and Lord Sandwich, in March 1775, expressed the prevailing infatuation with reckless insolence in the House of Lords. He described the Americans as 'raw, undisciplined, cowardly men.' He said that the more they produced in the field, the easier would be their conquest. He accused them of having shown egregious cowardice at the siege of Louisburg, and he predicted that they would take to flight at the very sound of a cannon.[3] Whether, under the most favourable circumstances, the subjugation would produce any advantages commensurate with the cost; whether, assuming

[1] *Correspondence of George III. with Lord North*, i. 164.

[2] See their opinions in Tudor's *Life of Otis*, p. 428.

[3] *Parl. Hist.* xviii. 446, 447. See, too, the very similar speech of Rigby. Walpole's *Last Journals*, i. 481.

that England had conquered her colonies, she could permanently hold them contrary to their will; and whether other nations were likely to remain passive during the struggle, were questions which appear to have scarcely occurred to the ordinary English mind.

It was, however, quite true that in America there was much difference of opinion, and that large bodies were only dragged with extreme reluctance into war. In New York a powerful and wealthy party sympathised strongly with the Government, and they succeeded in June 1775 in inducing their Assembly to refuse its approbation to the proceedings of the Congress.[1] Even in New England a few meetings were held repudiating the proceedings at Philadelphia.[2] Three out of the four delegates of South Carolina in the Congress declined to sign the non-importation agreements until a provision had been made to permit the exportation of rice to Europe.[3] The Pennsylvanian Quakers recoiled with horror from the prospect of war, and the Convention of the province gave instructions to their delegates in the Congress, which were eminently marked by wisdom and moderation. They desired that England should repeal absolutely the obnoxious Acts; but, in order that such a measure should not be inconsistent with her dignity, they recommended an indemnity to the East India Company, promised obedience to the Act of Navigation, disowned with abhorrence all idea of independence, and declared their willingness of their own accord to settle an annual revenue on the King, subject to the approbation of Parliament. Virginia had been

[1] Ramsay, i. 143. See, on the remarkable loyalty shown by the New York Assembly at this time, a striking letter of Lieutenant-Governor Colden to Lord Dartmouth (Feb. 1, 1775) in the *Documents relating to the Colonial History of New York*, viii. 531, 532.

[2] Adolphus, ii. 211.

[3] Adams, ii. 385.

very prominent in hurrying the colonies into war, and its great orator, Patrick Henry, exerted all his powers in stimulating resistance; but even Virginia insisted, in opposition to John Adams and to other New Englanders, on limiting the list of grievances to Acts passed since 1763, in order that there might be some possibility of reconciliation.[1]

Among the Episcopalians, and among the more wealthy and especially the older planters, the English party always predominated, and a large section of the mercantile class detested the measures which suspended their trade, and believed that America could not subsist without the molasses, sugar, and other products of the British dominions. There was a wide-spread dislike to the levelling principles of New England, to the arrogant, restless, and ambitious policy of its demagogues, to their manifest desire to invent or discover grievances, foment quarrels, and keep the wound open and festering.[2] There were brave and honest men in America who were proud of the great and free Empire to which they belonged, who had no desire to shrink from the burden of maintaining it, who remembered with gratitude all the English blood that had been shed around Quebec and Montreal, and who, with nothing to hope for from the Crown, were prepared to face the most brutal mob violence and the invectives of a scurrilous Press, to risk their fortunes, their reputations, and sometimes even their lives, in order to avert civil war and ultimate separation. Most of them ended their days in poverty and exile, and as the supporters of a beaten cause history has paid but a scanty tribute to their memory, but they comprised some of the best and ablest men America has ever produced, and they were contending for an ideal which

[1] Adams' *Works*, ii. 384.

[2] See a graphic account of the differences in Congress in Adams' *Works*, ii. 350, 410.

was at least as worthy as that for which Washington fought. It was the maintenance of one free, industrial, and pacific empire, comprising the whole English race, holding the richest plains of Asia in subjection, blending all that was most venerable in an ancient civilisation with the redundant energies of a youthful society, and likely in a few generations to outstrip every competitor and acquire an indisputable ascendency on the globe. Such an ideal may have been a dream, but it was at least a noble one, and there were Americans who were prepared to make any personal sacrifices rather than assist in destroying it.

Conspicuous among these politicians was Galloway, one of the ablest delegates from Pennsylvania, who saw clearly that a change in the American Constitution was necessary if England was to remain united to her colonies. He proposed that a President-General appointed by the Crown should be placed over the whole group of American colonies; that a Grand Council, competent to tax the colonies and to legislate on all matters relating to more colonies than one, should be elected by the Provincial Assemblies; that Parliament should have the right of revising the Acts of this Grand Council, and that the Council should have the right of negative upon any parliamentary measure relating to the colonies.[1] The proposal at first met with considerable support in the Congress, and it was finally defeated by a majority of only one vote. Dickinson, whose 'Farmer's Letters' had been one of the ablest statements of the American case, shrank with horror from the idea of rebellion. He bitterly accused John Adams and the other New Englanders of opposing all measures of reconciliation, and declared that he and his friends would no longer co-operate with them, but would carry

[1] Adams' *Works*, ii. 387-389. Galloway's *Examination*, pp. 47-49.

on the opposition in their own way.[1] The remarkable eloquence and the touching and manifest earnestness of the letters which appeared at Boston under the signature of 'Massachusettensis,' urging the people to shrink from the great calamity of civil war, had for a time some influence upon opinion. As usual, however, in such a crisis, the more energetic and determined men directed the movement, and the fierce spirit of New England substantially triumphed over all opposition. The Congress agreed, it is true, to profess its loyalty, to petition the King, and to limit its grievances to measures carried since 1763, but it offered no basis of compromise; it demanded only an unqualified submission, and it enumerated so long a list of laws that must be repealed that it was quite impossible that Parliament could comply. General Gage deemed the aspect of affairs so threatening that he suspended by proclamation the writs which he had issued summoning the Assembly of Massachusetts to meet at Salem in October 1774. But a provincial congress was at once convened. It was obeyed as if it had been a regular branch of the Legislature, and it proceeded to organise the revolution. Measures were taken for enlisting soldiers for the defence of the province; general officers were selected. It was resolved to enroll as speedily as possible an army of 12,000 men within the province, and Rhode Island, New Hampshire, and Connecticut were asked to join to raise the number of men to 20,000. A committee was at the same time formed for corresponding with the people of Canada, and a circular was sent round to all the New England clergy asking them to use their influence in the cause.[2]

Before the end of the year intelligence arrived that a proclamation had been issued in England forbidding

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[1] Adams' *Works*, ii. 410, 419. [2] Ramsay, i. 180.

the exportation of military stores, and it was at once responded to by open violence. In Rhode Island, by order of the Provincial Assembly, forty cannon with a large amount of ammunition were removed from Fort George, which defended the harbour, and placed under a colonial guard at Providence. The captain of a King's ship which was stationed off the province demanded an explanation. The Governor replied that the cannon had been removed lest the King's officers should seize them, and that they would be used against any enemy of the colony. In New Hampshire a small fort called William and Mary, garrisoned by one officer and five private soldiers, was surprised and captured by a large body of armed colonists, and the military stores which it contained were carried away. Mills for manufacturing gunpowder and arms were set up in several provinces, and immediate orders were given for casting sixty heavy cannon.

Though no blood had yet been shed, it is no exaggeration to say that the war had already begun, and in England the indignation rose fierce and high. Parliament had been unexpectedly dissolved, and the new Parliament met on November 30, 1774, but no serious measure relating to America was taken till January 1775, when the House reassembled after the Christmas vacation. The ministers had a large majority, and even apart from party interest the genuine feeling of both Houses ran strongly against the Americans. Yet at no previous period were they more powerfully defended. I have already noticed that Chatham, having returned to active politics after his long illness in 1774, had completely identified himself with the American cause, and had advocated with all his eloquence measures of conciliation. He reiterated on every occasion his old opinion that self-taxation is the essential condition of political freedom, described the conduct of

the British Legislature in establishing Catholicism in Canada as not less outrageous than if it had repealed the Great Charter or the Bill of Rights,[1] and moved an address to the King praying that he would as soon as possible, 'in order to open the way towards a happy settlement of the dangerous troubles in America,' withdraw the British troops stationed in Boston. In the course of his speech he represented the question of American taxation as the root-cause of the whole division, and maintained that the only real basis of conciliation was to be found in a distinct recognition of the principle that 'taxation is theirs, and commercial regulation ours;' that England has a supreme right of regulating the commerce and navigation of America, and that the Americans have an inalienable right to their own property. He fully justified their resistance, predicted that all attempts to coerce them would fail, and eulogised the Congress at Philadelphia as worthy of the greatest periods of antiquity. Only eighteen peers voted for the address, while sixty-eight opposed it.

On February 1 he reappeared with an elaborate Bill for settling the troubles in America. It asserted in strong terms the right of Parliament to bind the colonies in all matters of imperial concern, and especially in all matters of commerce and navigation. It pronounced the new colonial doctrine that the Crown had no right to send British soldiers to the colonies without the assent of the Provincial Assemblies, dangerous and unconstitutional in the highest degree, but at the same time it recognised the sole right of the colonists to tax themselves, guaranteed the inviolability of their charters, and made the tenure of their judges the same as in England. It proposed to make the Congress which had met at Philadelphia an official and permanent body, and asked it to

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[1] *Chatham Correspondence*, iv. 352.

make a free grant for imperial purposes. England, in return, was to reduce the Admiralty Courts to their ancient limits, and to suspend for the present the different Acts complained of by the colonists. The Bill was not even admitted to a second reading.

Several other propositions tending towards conciliation were made in this session. On March 22, 1775, Burke, in one of his greatest speeches, moved a series of resolutions recommending a repeal of the recent Acts complained of in America, reforming the Admiralty Court and the position of the judges, and leaving American taxation to the American Assemblies, without touching upon any question of abstract right. A few days later, Hartley moved a resolution calling upon the Government to make requisitions to the colonial Assemblies to provide of their own authority for their own defence; and Lord Camden in the House of Lords and Sir G. Savile in the House of Commons endeavoured to obtain a repeal of the Quebec Act. All these attempts, however, were defeated by enormous majorities. The petition of Congress to the King was referred to Parliament, which refused to receive it, and Franklin, after vain efforts to effect a reconciliation, returned from England to America. The Legislature of New York, separating from the other colonies, made a supreme effort to heal the wound by a remonstrance which was presented by Burke on May 15. Though strongly asserting the sole right of the colonies to tax themselves, and complaining of the many recent Acts inconsistent with their freedom, it was drawn up in terms that were studiously moderate and respectful. It disclaimed 'the most distant desire of independence of the parent kingdom.' It acknowledged fully the general superintending power of the English Parliament, and its right 'to regulate the trade of the colonies, so as to make it subservient to the interest of the mother country,' and it expressed the

readiness of New York to bear its 'full proportion of aids to the Crown for the public service,' though it made no allusion to the project of supporting an American army. The Government, however, induced the House of Commons to refuse to receive it, on the ground that it denied the complete legislative authority of Parliament in the colonies as it had been defined by the Declaratory Act.

Parliament at the same time took stringent measures to enforce obedience. It pronounced Massachusetts in a state of rebellion, and promised to lend the ministers every aid in subjugating it. It voted about 6,000 additional men for the land and sea service; it answered the non-importation and non-exportation agreements of the colonies by an Act restraining the New England States from all trade with Great Britain, Ireland, and the West Indies, and from all participation in the Newfoundland fisheries, and it soon after, on the arrival of fresh intelligence from America, extended the same disabilities to Pennsylvania, New Jersey, Maryland, Virginia, and South Carolina. It was also resolved that the British force in Boston should be at once raised to 10,000 men, which it was vainly thought would be sufficient to enforce obedience.

At the same time North was careful to announce that these coercive measures would at once cease upon the submission of the colonies, and on February 20, 1775, he had, to the great surprise of Parliament, himself introduced a conciliatory resolution which was very unpalatable to many of his followers and very inconsistent with some of his own earlier speeches, but by which he hoped, if not to appease, at least to divide, the Americans. His proposition was, that if and as long as any colony thought fit of its own accord to make such a contribution to the common defence of the Empire, and such a fixed provision for the support of the civil

government and administration of justice, as met the approbation of Parliament, it should be exempted from all imperial taxation for the purpose of revenue.

The reception of this conciliatory measure was very remarkable. Hitherto Lord North had guided the House with an almost absolute sway, and on American questions the Opposition seldom could count upon 90 votes, while the ministers had usually about 260. The disclosure, however, of the conciliatory resolution produced an immediate revolt in the ministerial ranks. Six times Lord North rose in vain efforts to appease the storm. The King's friends denounced him as betraying the cause. The Bedford faction was expected every moment to fly into open rebellion, and Chatham states that for about two hours it was the prevailing belief in the House of Commons that the minister would be left in a small minority. The storm, however, had a sudden and most significant ending. Sir Gilbert Elliot, who was known to be in the intimate confidence of the King, declared for the Bill, and the old majority speedily rallied around the minister.[1]

At an earlier stage of the dispute this resolution might have been accepted as a reasonable compromise, but in the midst of the coercive measures that had been adopted it pleased no one. Burke and the Whig party denounced it as not stating what sum the colonists were expected to pay, leaving them to bid against one another, and to bargain with the mother country, and in the meantime holding them in duress with fleets and armies, like prisoners who had not yet paid their ransom. Barré assailed it with great bitterness, as intended for no other object than to excite divisions in America. The colonists themselves repudiated it as interfering

[1] *Chatham Correspondence*, iv. 403, 404. See, too, Gibbon to Holroyd, Feb. 25, *Annual Register*, 1775, pp. 95–98. Walpole's *Last Journals*, i. 463, 464.

with their absolute right of disposing of their own property as they pleased, and most later historians have treated it as wholly delusive.[1]

With this view I am unable to concur. The proposition appears to me to have been a real and considerable step towards conciliation. It was accepted as such by Governor Pownall, who was one of the ablest and most moderate of the defenders of the colonies in Parliament,[2] and it was recommended to the Americans by Lord Dartmouth in language of much force and of evident sincerity. He argued that the colonies owed much of their greatness to English protection, that it was but justice that they should in their turn contribute according to their respective abilities to the common defence, and that their own welfare and interests demanded that their civil establishments should be supported with a becoming dignity. Parliament, he says, leaves each colony 'to judge of the ways and means of making due provision for these purposes, reserving to itself a discretionary power of approving or disapproving what shall be offered.' It determines nothing about the specific sum to be raised. The King trusts that adequate provision will be made by the colonies, and that it will be 'proposed in such a way as to increase or diminish according as the public burthens of this kingdom are from time to time augmented or reduced, in so far as those burthens consist of taxes and duties which are not a security for the National Debt. By such a mode of contribution,' he adds, 'the colonies will have full security that they can never be required to tax themselves without Parliament taxing the subjects of this kingdom in a far greater proportion.' He assured them that any proposal of this nature from any colony would be received with every

[1] See e.g. Lord Russell's *Life of Fox*, i. 85, 86.

[2] See his very able speech, *Parl. Hist.* xviii. 322–329.

possible indulgence, provided it was unaccompanied by declarations inconsistent with parliamentary authority.[1]

The letter of Lord Dartmouth to the governors of the colonies was written in March. Little more than a month later the first blood was shed at Lexington. On the night of April 18, 1775, General Gage sent about 800 soldiers to capture a magazine of stores which had been collected for the use of the provincial army in the town of Concord, about eighteen miles from Boston. The road lay through the little village of Lexington, where, about five o'clock on the morning of the 19th, the advance guard of the British found a party of sixty or seventy armed volunteers drawn up to oppose them, on a green beside the road. They refused when summoned to disperse, and the English at once fired a volley, which killed or wounded sixteen of their number. The detachment then proceeded to Concord, where it succeeded in spiking two cannon, casting into the river five hundred pounds of ball and sixty barrels of powder, and destroying a large quantity of flour, and it then prepared to return. The alarm had, however, now been given; the whole country was roused. Great bodies of yeomen and militia flocked in to the assistance of the provincials. From farmhouses and hedges and from the shelter of stone walls bullets poured upon the tired retreating troops, and a complete disaster would probably have occurred had they not been reinforced at Lexington by 900 men and two cannon under Lord Percy. As it was the British lost 65 killed, 180 wounded, and 28 made prisoners, while the American loss was less than 90 men.

The whole province was now in arms. The Massachusetts Congress at once resolved that the New England

[1] This letter is printed in the *Documents relating to the Colonial History of New York*, viii. 545–547. Force's *American Archives* (4th series), ii. 27, 28.

army should be raised to 30,000 men, and thousands of brave and ardent yeomen were being rapidly drilled into good soldiers. The American camp at Cambridge contained many experienced soldiers who had learnt their profession in the great French war, and very many others who in the ranks of the militia had already acquired the rudiments of military knowledge, and even when they had no previous training, the recruits were widely different from the rude peasants who filled the armies of England. As an American military writer truly said, the middle and lower classes in England, owing to the operation of the game laws and to the circumstances of their lives, were in general almost as ignorant of the use of a musket as of the use of a catapult. The New England yeomen were accustomed to firearms from their childhood; they were invariably skilful in the use of spade, hatchet, and pickaxe, so important in military operations; and their great natural quickness and the high level of intelligence which their excellent schools had produced, made it certain that they would not be long in mastering their military duties. The whole country was practically at their disposal. All who were suspected of Toryism were ordered to surrender their weapons. General Gage was blockaded in Boston, and he remained strictly on the defensive, waiting for reinforcements from England, which only arrived at the end of May. Even then, he for some time took no active measures, but contented himself with offering pardon to all insurgents who laid down their arms, except Samuel Adams and John Hancock, and with proclaiming martial law in Massachusetts. He at length, however, determined to extend his lines, so as to include and fortify a very important post, which by a strange negligence had been left hitherto unoccupied.

On a narrow peninsula to the north of Boston, but separated from it by rather less than half a mile of

water, lay the little town of Charleston, behind which rose two small connected hills, which commanded a great part both of the town and harbour of Boston. Breed's Hill, which was nearest to Charleston, was about seventy-five feet, Bunker's Hill was about one hundred and ten feet, in height. The peninsula, which was little more than a mile long, was connected with the mainland by a narrow causeway. Cambridge, the head-quarters of the American forces, was by road about four miles from Bunker's Hill, but much of the intervening space was occupied by American outposts. The possession, under these circumstances, of Bunker's Hill, was a matter of great military importance, and Gage determined to fortify it. The Americans learnt his intention, and determined to defeat it.

On the night of June 16, an American force under the comma[illegible] of Colonel Prescott, and accompanied by some skilfu[illegible]gineers and by a few field-guns, silently occupied [illegible]'s Hill and threw up a strong redoubt before da[illegible]t revealed their presence to the British. Next day, after much unnecessary delay, a detachment under General Howe was sent from Boston to dislodge them. The Americans had in the meantime received some reinforcements from their camp, but the whole force upon the hill is said not to have exceeded 1,500 men. Most of them were inexperienced volunteers. Many of them were weary with a long night's toil, and they had been exposed for hours to a harassing though ineffectual fire from the ships in the harbour; but they were now strongly entrenched behind a redoubt and a breastwork. The British engaged on this memorable day consisted in all of between 2,000 and 3,000 regular troops, fresh from the barracks, and supported by artillery. The town of Charleston, having been occupied by some American riflemen, who poured their fire upon the English from the shelter of the houses, was burnt

by order of General Howe, and its flames cast a ghastly splendour upon the scene. The English were foolishly encumbered by heavy knapsacks with three days' provisions. Instead of endeavouring to cut off the Americans by occupying the neck of land to the rear of Breed's Hill, they climbed the steep and difficult ascent in front of the battery, struggling through the long tangled grass beneath a burning sun, and exposed at every step to the fire of a sheltered enemy. The Americans waited till their assailants were within a few rods of the entrenchment, when they greeted them with a fire so deadly and so sustained that the British line twice recoiled, broken, intimidated, and disordered. The third attack was more successful. The position was carried at the point of the bayonet. The Americans were put to flight, and five out of their six cannon were taken. But the victory was dearly purchased. On the British side 1,054 men, including 89 commissioned officers, fell. The Americans only admitted a loss of 449 men; and they contended that, if they had been properly reinforced, and if their ammunition had not begun to fail, they would have held the position.[1]

The battle of Breed's, or, as it is commonly called, of Bunker's Hill, though extremely bloody in proportion to the number of men engaged, can hardly be said to present any very remarkable military character, and in a great European war it would have been almost unnoticed. Few battles, however, have had more important consequences. It roused at once the fierce instinct of combat in America, weakened seriously the only British army in New England, and dispelled for ever the almost superstitious belief in the impossibility of encountering regular troops with hastily levied volun-

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[1] See General Gage's despatch. *American Remembrancer*, 1776, part ii., pp. 132, 133. Ramsay, Stedman, and Bancroft.

teers. The ignoble taunts which had been directed against the Americans were for ever silenced. No one questioned the conspicuous gallantry with which the provincial troops had supported a long fire from the ships and awaited the charge of the enemy, and British soldiers had been twice driven back in disorder before their fire. From this time the best judges predicted the ultimate success of America.

On May 10 the new Continental Congress had met at Philadelphia, and it at once occupied itself, with an energy and an industry that few legislative bodies have ever equalled, in organising the war.[1] Like the former Congress, its debates were secret, and its decisions were ultimately unanimous. New York, which for a time had flinched, was now fully rallied to the cause, and before the close of the Congress, Georgia for the first time openly joined the twelve other colonies. The conciliatory offer of Lord North was emphatically rejected. The colonies, it was said, had the exclusive right, not only of granting their own money, but also of deliberating whether they will make any gift, for what purpose and to what amount; and 'it is not just that they should be required to oblige themselves to other contributions, while Great Britain possesses a monopoly of their trade.' Still professing to have no desire to separate from Great Britain, the Congress drew up another petition, expressing deep loyalty to the King, and addresses to the people of Great Britain, Ireland, and Canada, and to the Assembly of Jamaica,

[1] John Adams, describing his life at Philadelphia to his wife, in December 1775, says: 'The whole Congress is taken up almost, in different committees, from seven to ten in the morning. From ten to four, or sometimes five, we are in Congress, and from six to ten in committees again. I don't mention this to make you think me a man of importance, because not I alone, but the whole Congress, is thus employed.'—Adams' *Familiar Letters*, p. 127.

asserting that the British had been the aggressors at Lexington, and had destroyed every vestige of constitutional liberty in Massachusetts, and that America, in taking up arms, acted strictly in self-defence. It forbade the colonists to have any commercial intercourse with those ports of America which had not observed the non-importation agreement of the preceding year. It forbade them to furnish any provisions or other necessaries to British fishermen on their coast, or to anyone connected with the British army or navy. It at the same time ordered that ten companies of riflemen from Pennsylvania, Maryland, and Virginia, should be raised to reinforce the New England army at Cambridge; made rules for the regulation of the revolutionary army; determined upon an expedition to Canada; issued bills of credit to the amount of 3,000,000 Spanish dollars; established an American post-office with Franklin at its head; appointed a number of general officers, and, above all, selected George Washington as Commander-in-chief of the American army.

The unanimity with which these measures were decreed was due to the great forbearance of many members of the Congress, for the secret debates of that body were distracted by the bitterest divisions. As John Adams wrote, 'Every important step was opposed and carried by bare majorities,' and a large amount of jealousy and suspicion was displayed.[1] Adams, at the head of the New England party, maintained that America should at once declare her independence, form herself into a confederation, seize all the Crown officers as hostages, and enter into negotiations with France and Spain; and letters which he had written expressing these views

[1] Autobiography. Adams' *Works*, ii. 503. 'It is almost impossible,' wrote Adams, 'to move anything but you instantly see private friendships and enmities, and provincial views and prejudices, intermingle in the consultation.'—Ibid. ii. 448.

fell into the hands of the British Government. Dickinson, however, supported by Pennsylvania and by some of the other Middle States, insisted upon drawing up another petition to the King, and making a last effort towards reconciliation; and after a very angry resistance, Adams was obliged to yield. Zubly, a Swiss clergyman, who was prominent among the delegates of Georgia, appears to have gone still further. 'There are persons in America,' he complained, 'who wish to break off with Great Britain; a proposal has been made to apply to France and Spain; before I agree to it I will inform my constituents. I apprehend the man who should propose it would be torn to pieces, like De Witt.'[1] He objected strongly to the proposed invasion of Canada as an unjustifiable aggression, and to the non-importation and non-exportation agreements as certain to ruin America. He openly expressed his hope that the present winter would witness a reconciliation with the mother country; and he declared his opinion that 'a republican government is little better than government of devils.'[2] The trade agreements were debated vehemently through several days, and a large proportion of the members appear to have held that the non-exportation agreement would render it impossible for the colonies to obtain the money which was necessary for carrying on the war. Negotiations with France and Spain were spoken of, but as yet there was great doubt about the disposition of these Powers. It is curious, amid the storm of invective which at this time was directed against English tyranny, to read the opinion of Gadsden, one of the representatives of South Carolina, who was most active in promoting the Revolution: 'France and Spain,' he said, 'would be glad to see Great Britain despotic in America. Our being in a better state than their colo-

[1] Adams' *Works*, ii. 459. [2] Ibid. ii. 466, 469, 472.

nies, occasions complaints among them, insurrections and rebellions. But these Powers would be glad we were an independent State.'[1]

Perhaps the most difficult question, however, was the appointment of a commander-in-chief; and on no other subject did the Congress exhibit more conspicuous wisdom. When only twenty-three, Washington had been appointed commander of the Virginian forces against the French; and in the late war, though he had met with one serious disaster, and had no opportunity of obtaining any very brilliant military reputation, he had always shown himself an eminently brave and skilful soldier. His great modesty and taciturnity kept him in the background, both in the Provincial Legislature and in the Continental Congress; but though his voice was scarcely ever heard in debate, his superiority was soon felt in the practical work of the committees. 'If you speak of solid information or sound judgment,' said Patrick Henry about this time, 'Colonel Washington is unquestionably the greatest man in the Congress.' He appeared in the Assembly in uniform, and in military matters his voice had an almost decisive weight. Several circumstances distinguished him from other officers, who in military service might have been his rivals. He was of an old American family. He was a planter of wealth and social position, and being a Virginian, his appointment was a great step towards enlisting that important colony cordially in the cause. The capital question now pending in America was, how far the other colonies would support New England in the struggle. In the preceding March, Patrick Henry had carried a resolution for embodying and reorganising the Virginia militia, and had openly proclaimed that an appeal to arms was inevitable; but as yet New England had borne almost

[1] Adams' *Works*, ii. 474.

the whole burden. The army at Cambridge was a New England army, and General Ward, who commanded it, had been appointed by Massachusetts. Even if Ward were superseded, there were many New England competitors for the post of commander; the army naturally desired a chief of their own province, and there were divisions and hostilities among the New England deputies.[1] The great personal merit of Washington and the great political importance of securing Virginia, determined the issue; and the New England deputies ultimately took a leading part in the appointment. The second place was given to General Ward, and the third to Charles Lee, an English soldier of fortune who had lately purchased land in Virginia and embraced the American cause with great passion. Lee had probably a wider military experience than any other officer in America, but he was a man of no settled principles, and his great talents were marred by a very irritable and capricious temper.

To the appointment of Washington, far more than to any other single circumstance, is due the ultimate success of the American Revolution, though in purely intellectual powers, Washington was certainly inferior to Franklin, and perhaps to two or three other of his colleagues. There is a theory which once received the countenance of some considerable physiologists, though it is now, I believe, completely discarded, that one of the great lines of division among men may be traced to the comparative development of the cerebrum and the cerebellum. To the first organ it was supposed belong those special gifts or powers which make men poets, orators, thinkers, artists, conquerors, or wits. To the second belong the superintending, restraining, discerning, and directing faculties which enable men to employ

[1] See Adams' Diary. *Works*, ii. 415.

their several talents with sanity and wisdom, which maintain the balance and the proportion of intellect and character, and make sound judgments and well-regulated lives. The theory, however untrue in its physiological aspect, corresponds to a real distinction in human minds and characters, and it was especially in the second order of faculties that Washington excelled. His mind was not quick or remarkably original. His conversation had no brilliancy or wit. He was entirely without the gift of eloquence, and he had very few accomplishments. He knew no language but his own, and except for a rather strong turn for mathematics, he had no taste which can be called purely intellectual. There was nothing in him of the meteor or the cataract, nothing that either dazzled or overpowered. A courteous and hospitable country gentleman, a skilful farmer, a very keen sportsman, he probably differed little in tastes and habits from the better members of the class to which he belonged; and it was in a great degree in the administration of a large estate and in assiduous attention to county and provincial business that he acquired his rare skill in reading and managing men.

As a soldier the circumstances of his career brought him into the blaze, not only of domestic, but of foreign criticism, and it was only very gradually that his superiority was fully recognised. Lee, who of all American soldiers had seen most service in the English army, and Conway, who had risen to great repute in the French army, were both accustomed to speak of his military talents with extreme disparagement; but personal jealousy and animosity undoubtedly coloured their judgments. Kalb, who had been trained in the best military schools of the Continent, at first pronounced him to be very deficient in the strength, decision, and promptitude of a general; and, although he soon learnt to form the highest estimate of his military capacity, he continued

to lament that an excessive modesty led him too frequently to act upon the opinion of inferior men, rather than upon his own most excellent judgment.[1] In the army and the Congress more than one rival was opposed to him. He had his full share of disaster; the operations which he conducted, if compared with great European wars, were on a very small scale; and he had the immense advantage of encountering in most cases generals of singular incapacity. It may, however, be truly said of him that his military reputation steadily rose through many successive campaigns, and before the end of the struggle he had outlived all rivalry, and almost all envy. He had a thorough knowledge of the technical part of his profession, a good eye for military combinations, an extraordinary gift of military administration. Punctual, methodical, and exact in the highest degree, he excelled in managing those minute details which are so essential to the efficiency of an army, and he possessed to an eminent degree not only the common courage of a soldier, but also that much rarer form of courage which can endure long-continued suspense, bear the weight of great responsibility, and encounter the risks of misrepresentation and unpopularity. For several years, and usually in the neighbourhood of superior forces, he commanded a perpetually fluctuating army, almost wholly destitute of discipline and respect for authority, torn by the most violent personal and provincial jealousies, wretchedly armed, wretchedly clothed, and sometimes in imminent danger of starvation. Unsupported for the most part by the population among whom he was quartered, and incessantly thwarted by the jealousy of Congress, he kept his army together by a combination of skill, firmness, patience, and judgment which has rarely

[1] See Greene's *German Element in the American War*, pp. 142–144.

been surpassed, and he led it at last to a signal triumph.

In civil as in military life, he was pre-eminent among his contemporaries for the clearness and soundness of his judgment, for his perfect moderation and self-control, for the quiet dignity and the indomitable firmness with which he pursued every path which he had deliberately chosen. Of all the great men in history he was the most invariably judicious, and there is scarcely a rash word or action or judgment recorded of him. Those who knew him well, noticed that he had keen sensibilities and strong passions; but his power of self-command never failed him, and no act of his public life can be traced to personal caprice, ambition, or resentment. In the despondency of long-continued failure, in the elation of sudden success, at times when his soldiers were deserting by hundreds and when malignant plots were formed against his reputation, amid the constant quarrels, rivalries, and jealousies of his subordinates, in the dark hour of national ingratitude, and in the midst of the most universal and intoxicating flattery, he was always the same calm, wise, just, and single-minded man, pursuing the course which he believed to be right, without fear or favour or fanaticism; equally free from the passions that spring from interest, and from the passions that spring from imagination. He never acted on the impulse of an absorbing or uncalculating enthusiasm, and he valued very highly fortune, position, and reputation; but at the command of duty he was ready to risk and sacrifice them all. He was in the highest sense of the words a gentleman and a man of honour, and he carried into public life the severest standard of private morals. It was at first the constant dread of large sections of the American people, that if the old Government were overthrown, they would fall into the hands of military adventurers, and undergo

the yoke of military despotism. It was mainly the transparent integrity of the character of Washington that dispelled the fear. It was always known by his friends, and it was soon acknowledged by the whole nation and by the English themselves, that in Washington America had found a leader who could be induced by no earthly motive to tell a falsehood, or to break an engagement, or to commit any dishonourable act. Men of this moral type are happily not rare, and we have all met them in our experience; but there is scarcely another instance in history of such a man having reached and maintained the highest position in the convulsions of civil war and of a great popular agitation.

It is one of the great advantages of the long practice of free institutions, that it diffuses through the community a knowledge of character and a soundness of judgment which save it from the enormous mistakes that are almost always made by enslaved nations when suddenly called upon to choose their rulers. No fact shows so eminently the high intelligence of the men who managed the American Revolution as their selection of a leader whose qualities were so much more solid than brilliant, and who was so entirely free from all the characteristics of a demagogue. It was only slowly and very deliberately that Washington identified himself with the revolutionary cause. No man had a deeper admiration for the British Constitution, or a more sincere wish to preserve the connection and to put an end to the disputes between the two countries. In Virginia the revolutionary movement was preceded and prepared by a democratic movement of the yeomanry of the province, led by Patrick Henry, against the planter aristocracy;[1] and Washington was a conspicuous member of the latter. In tastes, manners, instincts, and sym-

[1] See Wirt's *Life of Patrick Henry.*

pathies he might have been taken as an admirable specimen of the better type of English country gentleman, and he had a great deal of the strong conservative feeling which is natural to the class. From the first promulgation of the Stamp Act, however, he adopted the conviction that a recognition of the sole right of the colonies to tax themselves was essential to their freedom, and as soon as it became evident that Parliament was resolved at all hazards to assert and exercise its authority of taxing America, he no longer hesitated. An interesting letter to his wife, however, shows clearly that he accepted the proffered command of the American forces with extreme diffidence and reluctance, and solely because he believed that it was impossible for him honourably to refuse it. He declined to accept from Congress any emoluments for his service beyond the simple payment of his expenses, of which he was accustomed to draw up most exact and methodical accounts.

The other military events of the year must be very briefly related. About three weeks after the skirmish at Lexington a party of colonists under Colonels Allen and Benedict Arnold had succeeded, without the loss of a man, in seizing the two very important forts of Ticonderoga and Crown Point, which commanded Lakes George and Champlain, and were indeed the key of Canada, but which had been left by the English in the charge of only sixty or seventy soldiers. In September, in obedience to the direction of the Congress, a colonial army invaded Canada. Washington was at this time organising the army in Massachusetts, but the Canadian expedition was entrusted to the joint command of Schuyler—who, however, was soon obliged through ill-health to return to Ticonderoga—and of Montgomery, a brave and skilful Irish soldier from Donegal, who had been for many years settled in the colonies,

and had served with great distinction in the late French war. For some time the invasion was successful. Several parties of Indians joined the Provincials.[1] General Carleton, who commanded the English in Canada, with 800 soldiers was driven back when attempting to cross the St. Lawrence. The small fort of Chamblée and the much more important fort of St. John were taken. Montreal was occupied in November, and in the beginning of December Montgomery laid siege to Quebec. He had been joined just before by Benedict Arnold, who had been sent by Washington at the head of an expedition to assist him, but their joint efforts were unsuccessful. The Canadians remained loyal to England. Their laws and their religion had been guaranteed. They had enjoyed under English rule much prosperity and happiness. The Catholic priests were strongly on the side of the English Government.[2] The contagion of New England republicanism had not penetrated to Canada, and the Canadians had no sympathy with the New England character or the New England creed. They were especially indignant, too, at the invasion, because on June 1, 1775, about four weeks before Congress secretly decided upon this step, that body had passed a resolution disclaiming any such intention, and had caused it to be widely disseminated through Canada.[3] Unsupported by the inhabitants, in the midst of a Canadian winter, without large cannon or sufficient ammunition, Montgomery soon found his position a hopeless one. His troops deserted in such numbers that only 800 remained.[4] They were turbulent, insubordinate, and half-trained; and they had enlisted for so short a period

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[1] Stedman, i. 133.

[2] See Adolphus, ii. 239. Ramsay, i. 238.

[3] Compare Lord Stanhope's *Hist.* vi. 76, and Bancroft, *Hist. of the United States*, viii. 176, 177.

[4] Bancroft.

and were so unwilling to renew their contract that it was necessary to press on operations as quickly as possible.[1] He fell on the last day of 1775 in a desperate but unsuccessful attempt to storm Quebec, and in the course of the following year the Americans evacuated Canada.

In most parts of the colonies the British government simply perished through the absence of British soldiers, but in Virginia Lord Dunmore, the Governor of the province, made desperate efforts to retain it.

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[1] 'The New Englanders,' wrote Montgomery, 'are the worst stuff imaginable for soldiers. They are homesick. Their regiments are melted away, and yet not a man dead of any distemper. There is such an equality among them that the officers have no authority, and there are very few among them in whose spirit I have confidence. The privates are all generals, but not soldiers, and so jealous that it is impossible, though a man risk his person, to escape the imputation of treachery.'—Bancroft, *Hist. of the United States*, viii. 185. The day after the capitulation of Montreal, Montgomery wrote to General Schuyler: 'I am exceedingly sorry that Congress has not favoured me with a committee; it would have had great effect with the troops, who are exceedingly turbulent, and even mutinous. . . . I wish some method could be fallen upon of engaging gentlemen to serve. A point of honour and more knowledge of the world to be found in that class of men would greatly reform discipline, and render the troops much more tractable.'—Washington's *Works*, iii. 180, 181. Washington writes (Jan. 31, 1776): 'The account given of the behaviour of the men under General Montgomery is exactly consonant to the opinion I have formed of these people, and such as they will exhibit abundant proofs of in similar cases whenever called upon. Place them behind a parapet, a breastwork, stone wall, or anything that will afford them shelter, and from their knowledge of a firelock they will give a good account of the enemy; but I am as well convinced as if I had seen it, that they will not march boldly up to a work, nor stand exposed in a plain.'—Ibid. p. 277. See, too, p. 285. The failure and death of Montgomery, Washington ascribed to the system of short enlistments, 'for had he not been apprehensive of the troops leaving him at so important a crisis, but continued the blockade of Quebec, a capitulation, from the best accounts I have been able to collect, must inevitably have followed.'—Ibid. p. 278.

Having removed a store of gunpowder from Williamsburg, in order to secure it from the Provincials, he was obliged to fly from the palace to a British man-of-war. There were no English soldiers in the province, but with the assistance of some British frigates, of some hundreds of loyalists who followed his fortunes, and of a few runaway negroes, he equipped a marine force which spread terror along the Virginian coast, and kept up a harassing, though almost useless, predatory war. Two incidents in the struggle excited deep resentment throughout America. The first was a proclamation by which freedom was promised to all slaves who took arms against the rebels. The second was the burning of the important town of Norfolk, which had been occupied by the Provincials, had fired on the King's ships, and had refused to supply them with provisions. It was impossible, however, by such means to subdue the province. An attempt to raise a loyalist force in the back settlements of Virginia and the Carolinas was defeated by the arrest of its chief instigators in the summer of 1776, and soon after, Dunmore, being no longer able to obtain provisions for his ships, abandoned the colony. The unhappy negroes who had taken part with the loyalists are said to have almost universally perished.[1]

In the Southern provinces, and especially in the two Carolinas and in Georgia, there was a considerable loyalist party, but it was unsupported by any regular troops, and after a few spasmodic struggles it was easily crushed. Most of the governors took refuge in English men-of-war; a few were arrested and imprisoned. Provincial Congresses assumed the direction of affairs; except in the immediate neighbourhood of British soldiers the power of England had ceased, and

[1] Stedman. Bancroft. Ramsay, i. 252.

there was no force in America competent to restore it. In the chief towns the stir of military preparation was incessant. When Franklin attended the Congress at Philadelphia in the September of 1775, he found companies of provincial soldiers drilled twice a day in the square of the Quaker capital, and the fortifications along the Delaware were rapidly advancing. Six powder mills were already designed, and two were just about to open. A manufactory of muskets had been established which was expected to complete twenty-five muskets a day. Suspected persons were constantly arrested, and the letter-bags systematically examined. Tories were either tarred and feathered or compelled to mount a cart and ask pardon of the crowd, and the ladies of the town were busily employed in scraping lint or making bandages for the wounded.[1]

Over the inland districts the revolutionary party was as yet supreme, but the whole coast was exposed, almost without defence, to the attacks of English ships of war, and all the chief towns in America were seaport. The Americans possessed a large population of seafaring men who were eminently fitted for maritime warfare, but they had as yet not a single ship of war. The Government made large offers to gunsmiths to induce them to abandon America for England.[2] The manufacture of gunpowder was only slowly organised, and for many months the colonial forces were often in extreme danger in consequence of the scantiness of their supply. It was wisely determined to pay the provincial troops and to pay them well; but as all foreign commerce was arrested, and as most forms of industry were dislocated, there was very little money

[1] Parton's *Life of Franklin*, ii. 100.

[2] See a letter of Governor Tryon, *Documents relating to the Colonial History of New York*, viii. 647.

in the country, and paper was speedily depreciated. Some of the necessaries of life had hitherto been imported from England, and the great want of native woollen goods was especially felt in the rigour of the first winter of the war.

Though the negroes, who were so numerous in the Southern States, were a cause of great anxiety to the colonists,[1] they remained at this time, with few exceptions, perfectly passive; but one of the first consequences of the appeal to arms was to bring Indian tribes into the field. In the great French war they had been constantly employed by the French and frequently by the English, and it was not likely that so formidable a weapon would be long unused. Neither side, it is true, desired a general Indian rising. Neither side can be justly accused of the great crime of inciting the Indians to indiscriminate massacre or plunder, but both sides were ready to employ them as auxiliaries. Before the battle of Lexington the Provincial Congress of Massachusetts formed a company out of Stockbridge Indians residing in the colony.[2] In the beginning of April 1775 they issued an address to the Mohawk Indians exhorting them 'to whet the hatchet' for war against the English,[3] and Indians were, as we have seen, employed by the Provincials in their invasion of

[1] Thus J. Adams in 1775 gives an account of an interview with some gentlemen from Georgia. 'These gentlemen give a melancholy account of the State of Georgia and South Carolina. They say that if 1,000 regular troops should land in Georgia, and their commander be provided with arms and clothes enough, and proclaim freedom to all the negroes who would join his camp, 20,000 negroes would join it from the two provinces in a fortnight. . . . Their only security is that all the King's friends and tools of Government have large plantations and property in negroes, so that the slaves of the Tories would be lost as well as those of the Whigs.'—Adams' *Works*, ii. 428.

[2] Washington's *Works*, iii. 175.

[3] Force's *American Archives* (4th series), i. 1349, 1350.

Canada. In March 1775 Mr. Stuart, who managed Indian affairs for the English Government in the Southern colonies, reported that General Gage had informed him 'that ill-affected people in those parts had been endeavouring to poison the minds of the Indians of the six nations and other tribes with jealousies, in order to alienate their affection from his Majesty,'[1] and New England missionaries appear to have been in this respect especially active.[2] Up to the middle of this year the English professed great reluctance to make use of savages. In July, Stuart wrote very emphatically to the Revolutionary Committee of Intelligence at Charleston, which had expressed suspicions on this subject: 'I never have received any orders from my superiors which by the most tortured construction could be interpreted to spirit up or employ the Indians to fall upon the frontier inhabitants, or to take any part in the disputes between Great Britain and her colonies,'[3] and both English and colonists exhorted the Indians as a body to remain neutral.[4] It is, however, certain that

[1] March 28, 1775. MSS. Record Office (Plantations, General).

[2] *Documents relating to the Colonial History of New York*, viii. 656, 657. See, too, a letter of the Provincial Congress, dated April 4, 1775, to a New England missionary, urging him to use his influence to make the Indians take up arms against the English. Washington's *Works*, iii. 495.

[3] July 18, 1775. MSS. Record Office.

[4] In a speech to the Indians, August 30, 1775, Stuart said: 'There is a difference between the white people of England and the white people of America; this is a matter which does not concern you, they will decide it among themselves.'—MSS. Record Office (Plantations, General). In August 1775 the commissioners sent by the twelve colonies had a long interview with the chiefs of the six nations, and gave them an elaborate account of the motives which had united them against England. They added, however: 'This is a family quarrel between us and Old England. You Indians are not concerned in it. We do not wish you to take up the hatchet against the King's troops. We desire you to remain at home and not join either side, but keep the hatchet buried deep.'—*Documents relating to the Colonial*

in the beginning of June 1775 Colonel Guy Johnson, who had succeeded Sir William Johnson in the direction of one great department of Indian affairs, had, in obedience to secret instructions from General Gage, induced a large body of Indians to undertake 'to assist his Majesty's troops in their operations in Canada,'[1] and in July this policy was openly avowed by Lord Dartmouth. It was defended on the ground that the Americans had themselves adopted it.[2]

Few things were more terrible to the Americans

History of New York, viii. 619. See, too, the *Secret Journals of Congress*, July 17, 1775.

[1] *Documents relating to the Colonial History of New York*, viii. 636. See *Secret Journals of Congress*, June 27, 1775.

[2] July 24, 1775, Lord Dartmouth wrote to Colonel Johnson: 'The unnatural rebellion now raging in America calls for every effort to suppress it, and the intelligence his Majesty has received of the rebels having excited the Indians to take a part, and of their having actually engaged a body of them in arms to support their rebellion, justifies the resolution his Majesty has taken of requiring the assistance of his faithful adherents the six nations. It is, therefore, his Majesty's pleasure that you lose no time in taking such steps as may induce them to take up the hatchet against his Majesty's rebellious subjects.'—*Documents on the Colonial History of New York*, viii. 596. General Gage wrote to Stuart (September 12, 1775) telling him to hold a correspondence with the Indians, 'to make them take arms against his Majesty's enemies, and to distress them all in their power, for no terms are now to be kept with them.' 'The rebels,' he continues, 'have themselves opened the door. They have brought down all the savages they could against us here, who with their riflemen are continually firing on our advanced sentries.'—MSS. Record Office. On October 24, 1775, Stuart sent ammunition to the savages according to instructions, adding: 'You will understand that an indiscriminate attack upon the province is not meant, but to act in the execution of any concerted plan, and to assist his Majesty's troops or friends in distressing the rebels.'—Ibid. On November 20, 1775, Lord North said in Parliament: 'As to the means of conducting the war, he declared there was never any idea of employing the negroes or the Indians until the Americans themselves had first applied to them; that General Carleton did then apply to them, and that even then it was only for the defence of his own province.'—*Parl. Hist.* xviii. 994.

than the scourge of Indian war. As it had generally been the function of the Government to protect the savages against the rapacity and violence of the colonists, England could count largely upon their gratitude, and the horrors which never failed to multiply in their track gave a darker hue of animosity to the struggle.

But the greatest danger to the colonial cause was the half-heartedness of its supporters. It is difficult or impossible to form any safe conjecture of the number of real loyalists in America, but it is certain that it was very considerable. John Adams, who would naturally be inclined to overrate the preponderance in favour of independence, declared at the end of the war his belief that a third part of the whole population, more than a third part of the principal persons in America, were throughout opposed to the Revolution.[1] Massachusetts was of all the provinces the most revolutionary, but when General Gage evacuated Boston in 1776 he was accompanied by more than 1,000 loyalists of that town and of the neighbouring country. Two-thirds of the property of New York was supposed to belong to Tories, and except in the city there appears to have been no serious disaffection.[2] In some of the Southern colonies loyalists probably formed half the population, and there was no colony in which they were not largely represented.

There were also great multitudes who, though they would never take up arms for the King, though they perhaps agreed with the constitutional doctrines of the Revolutionists, dissented on grounds of principle, policy, or interest from the course which they were adopting. There were those who wished to wait till

[1] Adams' *Works*, x. 87. Many particulars about the strength of the loyalist party will be found in Mr. Sabine's very interesting book, *The Loyalists of America*.

[2] *Parl. Hist.* xviii. 123–129. Sparks' *Life of Washington*. Force's *American Archives* (4th series), i. 773, 957.

the natural increase of the colonies made coercion manifestly impossible; who feared to stake acknowledged liberties on the doubtful issue of an armed struggle; who shrank from measures that would destroy their private fortunes; who determined to stand aloof till the event showed which side was likely to win; who still dreamed of the possibility of resisting the Parliament without casting off allegiance to the Crown. If America succeeded in throwing off the yoke of England, it could hardly be without the assistance of France, and many feared that France would thus acquire a power on the Continent far more dangerous than that of England to the liberties of the colonies. Was it not likely, too, that an independent America would degenerate, as so many of the best judges had predicted, into a multitude of petty, heterogeneous, feeble, and perhaps hostile States? Was it not certain that the cost of the struggle and the burden of independence would drain its purse of far more money than England was ever likely to ask for the defence of her Empire? Was it not possible that the lawless and anarchical spirit which had of late years been steadily growing, and which the patriotic party had actively encouraged, would gain the upper hand, and that the whole fabric of society would be dissolved? John Adams in his Diary relates the 'profound melancholy' which fell upon him in one of the most critical moments of the struggle, when a man whom he knew to be a horse-jockey and a cheat, and whom, as an advocate, he had often defended in the law courts, came to him and expressed the unbounded gratitude which he felt for the great things which Adams and his colleagues had done. 'We can never,' he said, 'be grateful enough to you. There are now no courts of justice in this province, and I hope there will never be another.' 'Is this the object,' Adams continued, 'for which I have been contending?'

said I to myself. . . . Are these the sentiments of such people, and how many of them are there in the country? Half the nation, for what I know; for half the nation are debtors, if not more, and these have been in all countries the sentiments of debtors. If the power of the country should get into such hands—and there is great danger that it will—to what purpose have we sacrificed our time, health, and everything else?'[1]

Misgivings of this kind must have passed through many minds, and the older colonists were not of the stuff of which ardent soldiers are made. Among the poor, vagrant, adventurous immigrants who had lately poured in by thousands from Ireland and Scotland, there was indeed a keen military spirit, and it was these men who ultimately bore the chief part in the war of independence; but the older and more settled colonists were men of a very different type. Shrewd, prosperous, and well-educated farmers, industrious, money-loving, and eminently domestic, they were men who, if they were compelled to fight, would do so with courage and intelligence, but who cared little or nothing for military glory, and grudged every hour that separated them from their families and their farms. Such men were dragged very reluctantly into the struggle. The American Revolution, like most others, was the work of an energetic minority, who succeeded in committing an undecided and fluctuating majority to courses for which they had little love, and leading them step by step to a position from which it was impossible to recede.[2] To the

[1] Adams' *Works*, ii. 420.

[2] One of the most remarkable documents relating to the state of opinion in America is the examination of Galloway (late Speaker of the House of Assembly in Pennsylvania) by a Committee of the House of Commons, June 16, 1779. As a loyalist, his mind was no doubt biassed, but he was a very able and honest man, and he had much more than common means of forming a correct judgment. He says: 'I do not believe, from the best knowledge I have of that time [the

last, however, we find vacillation, uncertainty, half-measures, and in large classes a great apparent apathy. In June 1775, the Provincial Congress of New York received two startling pieces of intelligence, that Washington was about to pass through their city on his way to Cambridge, and that Tryon, the royal governor, had just arrived in the harbour. The Congress, though it was an essentially Whig body, and had assumed an attitude which was virtually rebellion, still dreaded the necessity of declaring itself irrevocably on either side, and it ultimately ordered the colonel of militia to dis-

beginning of the rebellion], that one-fifth of the people had independence in view. . . . Many of those who have appeared in support of the present rebellion have by a variety of means been compelled. . . . I think I may venture to say that many more than four-fifths of the people would prefer an union with Great Britain upon constitutional principles to that of independence.' Galloway was asked the following question : 'That part of the rebel army that enlisted in the service of the Congress — were they chiefly composed of natives of America, or were the greatest part of them English, Scotch, and Irish ?' Galloway answered : 'The names and places of their nativity being taken down, I can answer the question with precision. There were scarcely one-fourth natives of America—about one-half Irish—the other fourth were English and Scotch.' This last answer, however, must be qualified by a subsequent answer, that he judged of the country of the troops by the deserters who came over, to the number of between 2,000 and 3,000, at the time when Galloway was with Sir W. Howe at Philadelphia. I have no doubt that in the beginning of the war the proportion of pure Americans in the army was much larger, as it was chiefly recruited in New England, where the population was most unmixed. It is stated that more than a fourth part of the continental soldiers employed during the war were from Massachusetts. See Greene's *Historical View of the American Revolution*, p. 235. Galloway's very remarkable evidence was reprinted at Philadelphia in 1855. In his *Letters to a Nobleman on the Conduct of the War*, Galloway reiterates his assertion that 'three-fourths of the rebel army have been generally composed of English, Scotch, and Irish, while scarcely the small proportion of one-fourth are American, notwithstanding the severe and arbitrary laws to force them into the service.'— P. 25.

pose of his troops so as to receive 'either the General or Governor Tryon, whichever should first arrive, and wait on both as well as circumstances would admit.'[1] The dominant Quaker party of Pennsylvania was at least as hostile to rebellion as to imperial taxation, and Chastellux justified the very democratic institutions which Franklin established in that province when the Revolution had begun, on the ground that 'it was necessary to employ a sort of seduction in order to conduct a timid and avaricious people to independence, who were besides so divided in their opinions that the Republican party was scarcely stronger than the other.'[2] In every Southern colony a similar division and a similar hesitation may be detected.

The result of all this was, that there was much less genuine military enthusiasm than might have been expected. When Washington arrived at Cambridge to command the army, he found that it nominally consisted of about 17,000 men, but that not more than 14,500 were actually available for service, and they had to guard a line extending for nearly twelve miles, in face of a force of at least 9,000 regular troops, besides seamen and loyalists. Urgent demands were made to the different colonies to send recruits, but they were very imperfectly responded to. Colonel Lee, in a remarkable letter on the military prospects of the Americans, estimated that in three or four months the colonists could easily have an efficient army of 100,000 infantry.[3] As a matter of fact, a month's recruiting during this most critical period produced only 5,000 men. There was abundant courage and energy among the soldiers, but there was very little subordination,

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[1] See a curious note in Washington's *Works*, iii. 8.

[2] Chastellux, *Travels in North America*, Eng. trans. i. 332.

[3] *American Remembrancer*, 1776, part i. p. 25.

discipline, or self-sacrifice. Each body of troops had been raised by the laws of its own colony, and it was reluctant to obey any other authority. Washington complained bitterly of 'the egregious want of public spirit' in his army. The Congress had made rules for its regulation. The troops positively refused to accept them, as they had not enlisted on those terms, and Washington was obliged to yield, except in the case of new recruits. The Congress had appointed a number of officers, but the troops rebelled violently against their choice, and it soon became evident that they would only remain at their post as long as they served under such officers as they pleased.[1] The absence of any social difference between officers and soldiers greatly aggravated the difficulty of enforcing discipline.[2] The local feeling was so strong that General Schuyler gave it as his deliberate opinion that 'troops from the colony of Connecticut will not bear with a general from another colony.'[3] The short period for which the troops had consented to enlist made it impossible to give them steadiness or discipline, to count upon the future, or to engage in enterprises of magnitude or continuity. What little subordination had been attained in the beginning of the period was destroyed at the close, for the officers were obliged to connive at every kind of relaxation of discipline in order to persuade their soldiers to re-enlist.[4] Personal recriminations and jealousies, quarrels about rank and pay and service, were incessant. Great numbers held aloof from enlisting, imagining that the distress of their cause would oblige the Congress to offer large bounties;[5] no possible inducement could persuade a large proportion of the soldiers to re-enlist when their short time of ser-

[1] Washington's *Works*, iii. 176.

[2] Ibid. p. 279.

[3] Ibid. p. 243; see, too, p. 151.

[4] Ibid. p. 280.

[5] Ibid. pp. 200, 201, 281.

vice had expired, and there were instances of gross selfishness and misconduct among the disbanding soldiers.[1] The term for which the Connecticut troops had enlisted expired in December, and the whole body, amounting to some 5,000 men, positively refused to re-enlist. It was vainly represented to them that their desertion threatened to bring absolute ruin on the American cause. The utmost that the most strenuous exertions could effect was, that they would delay their departure for ten days. There were bitter complaints that Congress granted no bounties, leaving this to the option of the several colonies, and also that the scale of pay, though very liberal, was lower than what they might have obtained in other employments. Great numbers pretended sickness, in order to escape from the service;[2] great numbers would only continue in the army on the condition of obtaining long furloughs at a time when every man was needed for the security of the lines.[3] There was a constant fear of concentrating too much power in military hands, and of building

[1] Washington's *Works*, iii. 210, 280.

[2] Ibid. p. 191.

[3] Washington's letters are full of complaints on the subject. I will quote a few lines from a letter of Nov. 28, 1775. 'Such a dearth of public spirit, and such want of virtue, such stock-jobbing and fertility in all the low arts to obtain advantages of one kind or another in this great change of military arrangement, I never saw before, and pray God's mercy that I may never be witness to again. . . . I have been obliged to allow furloughs as far as fifty men to a regiment, and the officers, I am persuaded, indulge as many more. . . . Such a mercenary spirit pervades the whole that I should not be at all surprised at any disaster that may happen. . . . Could I have foreseen what I have experienced, and am likely to experience, no consideration upon earth should have induced me to accept this command.' (Washington's *Works*, iii. 178, 179.) 'No troops,' he writes in another letter, 'were ever better provided or higher paid, yet their backwardness to enlist for another year is amazing. It grieves me to see so little of that patriotic spirit which I was taught to believe was characteristic of this people.' (Ibid. p. 181.) 'The present soldiery are in expecta-

up a system of despotism, and there was a general belief among the soldiers that unquestioning obedience to their officers was derogatory to their dignity and inconsistent with their freedom.

The truth is, that although the circumstances of the New Englanders had developed to a high degree many of the qualities that are essential to a soldier, they had been very unfavourable to others. To obey, to act together, to sacrifice private judgment to any authority, to acknowledge any superior, was wholly alien to their temperament,[1] and they had nothing of that passionate and all-absorbing enthusiasm which transforms the character, and raises men to an heroic height of patriotic self-devotion. Such a spirit is never evoked by mere money disputes. The question whether the Supreme Legislature of the Empire had or had not the right of obliging the colonies to contribute something to the support of the imperial army, was well fitted to produce constitutional agitation, eloquence, riots, and even organised armed resistance; but it was not one of those questions which touch the deeper springs of human feeling or action. Any nation might be proud of the

tion of drawing from the landed interest and farmers a bounty equal to that given at the commencement of this army, and therefore they keep aloof.' Ibid. p. 188.

[1] General Trumbull wrote to Washington, Dec. 1775: 'The late extraordinary and reprehensible conduct of some of the troops of this colony impresses me and the minds of many of our people with grief, surprise, and indignation. . . . There is great difficulty to support liberty, to exercise government, to maintain subordination, and at the same time to prevent the operation of licentious and levelling principles, which many very easily imbibe. The pulse of a New England man beats high for liberty; his engagement in the service he thinks purely voluntary, therefore when the time of enlistment is out he thinks himself not holden without further engagement. This was the case in the last war. I greatly fear its operation amongst the soldiers of the other colonies, as I am sensible that it is the genius and spirit of our people.' Ibid. p. 183.

shrewd, brave, prosperous, and highly intelligent yeomen who flocked to the American camp; but they were very different men from those who defended the walls of Leyden, or immortalised the field of Bannockburn. Few of the great pages of history are less marked by the stamp of heroism than the American Revolution; and perhaps the most formidable of the difficulties which Washington had to encounter were in his own camp.

Had there been a general of any enterprise or genius at the head of the British army, the Americans could scarcely have escaped a great disaster; but at this period, and indeed during all the earlier period of the Revolutionary War, the English exhibited an utter absence of all military capacity. That spirit of enterprise and daring which had characterised every branch of the service during the administration of Chatham, had absolutely disappeared. Every week was of vital importance at a time when undisciplined yeomen were being drilled into regular troops, and the different provincial contingents were being slowly and painfully organised into a compact army. But week after week, month after month, passed away, while the British lay inactively behind their trenches. After the first reinforcements had arrived at the end of May 1775, General Gage had upwards of 11,000 men at his disposal, including seamen and loyalists; yet even then weeks of inactivity followed. At Bunker's Hill more than 1,000 men were lost in capturing a position which during several months might have been occupied any day without resistance. Gage knew that the town which he held was bitterly hostile; that the Americans greatly outnumbered him; that they occupied strong and fortified positions; that he was himself secure through his command of the sea; that his army was the sole support of the British Empire in New England.

A very large proportion of his soldiers were incapacitated by illness.[1] He considered those who remained too few to be divided with safety; and he maintained that, in the absence of sufficient means of transport, it would be both rash and useless to attempt to penetrate into the country, and that success would only drive the Americans out of one stronghold into another.

He probably feared, also, by energetic measures, to commit the country irrevocably to a war which might still be possibly avoided, and to produce in an undecided and divided people an outburst of military enthusiasm. There was a widespread expectation that the resistance would fall to pieces through the divisions of the Americans, through the stress of the blockade, or in consequence of the conciliatory propositions of North. Gage would risk nothing. His information was miserably imperfect, and he was probably very indifferently informed of the extreme weakness of the Americans. The Provincials had as yet no cavalry. They had scarcely any bayonets. Their ammunition was so deplorably scanty that in the beginning of August it was discovered that there were only nine rounds of ammunition for each man, and a fortnight passed before they received additional supplies, and in this condition they succeeded in blockading, almost without resistance, a powerful English army. Nor was Gage more successful in conciliating than in fighting. He had made an agreement with the inhabitants of Boston that, on

[1] According to Bancroft, Gage had never more than 6,500 effective troops, though his nominal force, including sailors and loyalists, was estimated at 11,500 men. Washington at this time had nominally 17,000 men, but never more than 14,500 fit for duty. (Bancroft, *Hist. of the United States*, viii. 42–44.) Still the British troops were regular soldiers, well provided with all munitions of war, while the Americans were almost undisciplined and singularly destitute of all that was required.

delivering up their arms, they might depart with their effects; but he soon after repented, and though the people had complied, he refused to fulfil his promise. Many, indeed, were allowed to depart, but they were obliged to leave their effects behind as a security for their loyalty.

At length, in October, he was recalled, and General Howe assumed the command; but the spirit of indecision and incapacity still presided over the British forces. In November and December, the time for which the American troops enlisted having ended, most of them insisted on disbanding, and a new army had to be formed in the presence of the enemy. On the last day of December 1775, when the old army had been disbanded, only 9,650 men had been enlisted to supply their place, and more than 1,000 of these were on furlough, which it had been necessary to grant in order to persuade them to enlist.[1] Yet not a single attempt appears to have been made to break the American lines. 'It is not in the page of history, perhaps,' wrote Washington, 'to furnish a case like ours: to maintain a post within musket-shot of the enemy for six months together without powder, and at the same time to disband our army and recruit another within that distance of twenty odd British regiments.'[2] 'My situation,' he wrote in February 1776, 'has been such that I have been obliged to use art to conceal it from my own officers,' and he expressed his emphatic astonishment that Howe had not obliged him, under very disadvantageous circumstances, to defend the lines he had occupied.[3]

The negligence and delay of the British probably saved the American cause, and great efforts were made to recruit the provincial army. Before many weeks the

[1] Washington's *Works*, i. 161. [2] Ibid. iii. 221, 222.
[3] Ibid. iii. 285.

army around Boston had considerably increased, and before the middle of the year it was pretended, though probably with great exaggeration, that the Americans had altogether 80,000 men in arms.[1] In April the Congress voted about 1,300,000*l.* for the support of the army, and in June it offered a bounty of ten dollars for every man who would enlist for three years. Large numbers of cannon were cast in New York, and great exertions were made to fit out a fleet. A hardy seafaring population, scattered over a long seaboard, accustomed from childhood both to smuggling and to distant commercial enterprises, formed an admirable material for the new navy. The old privateersmen of the last war resumed their occupation, and the number of British merchant vessels that were captured brought a rich return to the American sailors. The want of ammunition was the most serious deficiency, but it was gradually supplied. Manufactories of arms and gunpowder were set up in different provinces. The Americans succeeded in purchasing powder in Africa, in the Bahama Islands, and in Ireland. A few daring men sailed from Charleston to East Florida, which had never joined in opposition to the Government, and surprised and captured near St. Augustine a ship containing 15,000 lbs. of powder. A cargo, which was but little less considerable, was seized by the people of Georgia immediately on its arrival from England; and several ships, carrying military stores to Boston, were intercepted before the British appear to have been aware that American privateers were upon the sea. The news from Canada was extremely discouraging, but it was counterbalanced by a great triumph in Massachusetts.

[1] *American Remembrancer*, 1776, part ii. p. 281. It is evident from Washington's letters that the estimates in the *American Remembrancer* greatly exceeded the truth.

The blockade of Boston became more severe; sickness disabled many of the British soldiers; swarms of privateers made it very difficult to obtain provisions; and at last, on the night of March 4, 1776, the Americans obtained possession of Dorchester heights, which commanded the harbour. The town was now no longer tenable. On March 17, Howe, with the remainder of his army, consisting of about 7,600 men, sailed for Halifax, and Washington marched in triumph into the capital of Massachusetts.

At the same time public opinion in the colonies began to run strongly in the direction of independence. Great stress has been placed on the effect of an anonymous pamphlet called 'Common Sense,' advocating complete separation from England, which appeared at Philadelphia in January 1776.[1] It was the first considerable work of the notorious Thomas Paine, who had only a few months before come over from England, and had at once thrown himself, with the true instinct of a revolutionist, into hostility to his country. Like all his works, this pamphlet was written in clear, racy, vivid English, and with much power of popular reasoning; and, like most of his works, it was shallow, violent, and scurrilous. Much of it consists of attacks upon monarchy in general, and hereditary monarchy in particular; of very crude schemes for the establishment of democratic forms of government in America, and of violent denunciations of the English king and people. England is described by this newly arrived Englishman as 'that barbarous and hellish power which hath stirred up the Indians and negroes to destroy us.' The lingering attachment to her is ridiculed as mere local prejudice. Not one third part of the inhabitants even of Pennsylvania, it is said, are of English descent; and

[1] See the *American Remembrancer*, 1776, part i. pp. 238–241.

the Americans are recommended to put to death as traitors all their countrymen who were taken in arms for the King. At the same time the arguments showing that America was capable of subsisting as an independent Power, and that, as a part of the British Empire, she could only be a secondary object in the system of British politics, were stated with great force. The present moment, it was urged, was eminently opportune for complete separation. Reunion could only be purchased by concessions that would be fatal to American liberty. Cordial reconciliation was no longer possible, and America had now the inestimable advantage of the military experience of the last war, which had filled the country with veteran soldiers. If the struggle were adjourned for forty or fifty years, the Americans would no doubt be more numerous, but they would probably be less united, and it was quite possible that there would not be a general or skilful military officer among them.

It is said that not less than 100,000 copies of this pamphlet were sold; and Washington himself, not long after its appearance, described it as 'working a powerful change in the minds of many men.'[1] As is usually, however, the case with very popular political writings, its success was mainly due to extraneous circumstances. It fell in with the prevailing tendency of the time, and gave an expression to sentiments which were rising in countless minds. The position of men who were professing unbounded devotion to their Sovereign, and were at the same time imprisoning his governors, waging war against his armies, and invading a peaceful province which was subject to his rule, was manifestly untenable. When blood was once shed, amid the deepening excitement of the contest the figments of lawyers disappeared,

[1] Washington's *Works*, iii. 276, 347.

and the struggle assumed a new character of earnestness and animosity. Several acts of war had already been committed, of which Americans might justly complain, and others were grossly exaggerated or misrepresented. The conduct of the British troops in the beginning of the war in firing upon the Provincials at Lexington, was absurdly described as a wanton massacre. The conduct of Gage to the inhabitants of Boston, and the burning of Charleston during the battle of Bunker's Hill to prevent it from being a shelter for American soldiers, were more justly objected to; while the proceedings of Lord Dunmore in Virginia raised the indignation of the colonists to the highest point. When the news of the burning of Norfolk arrived, Washington expressed his hope that it would 'unite the whole country in one indissoluble band against a nation which seems to be lost to every sense of virtue, and those feelings which distinguish a civilised people from the most barbarous savages.'[1]

If such language could be employed by such a man, it is easy to conceive how fierce a spirit must have been abroad. In the dissolution of all government, mob intimidation had a great power over politicians, and mobs are always in favour of the strongest measures; and the adoption of the policy of armed resistance had naturally given an increased power to those who had been the first to advocate it. Every step which was taken in England added to the exasperation. Already the Americans had been proclaimed rebels; and all commercial intercourse with them had been forbidden. The petition of Congress to the King, which was the last serious effort of America for pacification, was duly taken over to England; but, after a short delay, Lord Dartmouth informed the delegates that 'no answer

[1] *Life and Correspondence of Joseph Reed*, i. 148.

would be given to it.' An Act of Parliament was passed authorising the confiscation of all American ships and cargoes, and of all vessels of other nations trading with the American ports; and by a clause of especial atrocity, the commanders of the British ships of war were empowered to seize the crews of all American vessels, and compel them, under pain of being treated as mutineers, to serve against their countrymen.[1]

All these things contributed to sever the colonies from amicable connection with England, and to make the prospect of reconciliation appear strange and remote. Separation, it was plausibly said, was the act of the British Parliament itself, which had thrown the thirteen colonies out of the protection of the Crown. But another and more practical consideration concurred with the foregoing in producing the Declaration of Independence. One of the gravest of the questions which were agitating the revolutionary party was the expediency of asking for foreign, and especially for French, assistance. France had hitherto been regarded in America, even more than in England, as a natural enemy. She was a despotic Power, and could not therefore have much real sympathy with a struggle for constitutional liberty. Her expulsion from America had been for generations one of the first objects of American patriots; and if she again mixed in American affairs, it was natural that she should seek to regain the province she had so lately lost. If America was destined to be an independent Republic, nothing could be more dangerous than to have a military and aggressive colony belonging to the most powerful despotism in Europe planted on her frontiers. But, on the other hand, it appeared more than probable that the

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[1] 16 Geo. III. c. 5.

intervention or non-intervention of France would determine the result of the present struggle. If America were cordially united in her resistance to England, it would be impossible to subdue her; but it was quite evident to serious men that America was not united; that outside New England there was scarcely an approach to unanimity; that powerful minorities in almost every province were ardently attached to England; and that, of the remainder of the population, a very large proportion were vacillating, selfish, or indifferent, ready, if the occasion could be found, to be reconciled with England, and altogether unprepared to make any long or strenuous sacrifices in the cause. Under these circumstances the revolutionary leaders had much to fear.

There was a party in the Congress, among whom Patrick Henry was conspicuous, who desired to purchase French assistance by large territorial cessions in America;[1] but this view found little favour. Apart from all considerations of territorial aggrandisement, it was the evident interest of France to promote the independence of America. She could thus obtain for herself a share in that vast field of commerce from which she had hitherto been excluded by the Navigation Act. The humiliation of the loss of Canada would be amply avenged if the thirteen old colonies were separated from England. A formidable if not fatal blow would be given to that maritime supremacy against which France had so long and so vainly struggled; and the French West India islands, which were now in time of war completely at the mercy of England, would become comparatively secure if the harbours of the neighbouring continent were held by a neutral or a friendly Power. Ever since the Peace of Paris, a feeling of deep humilia-

[1] Adams' Life, *Works*, i. 201.

tion and discontent had brooded over French society; and even in Europe the influence of France appeared to have diminished. The recent appearance of Russia as an active and formidable agent in the European system, and the recent growth of Prussia into the dimensions of a first-class Power, had profoundly altered the European equilibrium. Both of these Powers lay in a great degree beyond the influence of France; and although one school of French politicians maintained that the rise of Prussia was beneficial, as establishing a balance of power in Germany, and checking the preponderance of Austria, another school looked upon it as seriously affecting both French ascendency and French security. Great indignation was felt in Paris at the passive attitude of the Government at the time of the first partition of Poland in 1772, and during the war that ended in the treaty of Kainardji in 1774, when Russia succeeded in extending her territory southwards, in separating the Crimea from the Turkish Empire, and in acquiring a right of protectorate over Christians in Constantinople. As long as the old King lived, there seemed little chance of a more active policy; but in May 1774 Lewis XV. died, and a new and more adventurous spirit was ruling at the Tuileries.

Under such circumstances it appeared to John Adams, and to the more sagacious of his supporters, that it would be possible to obtain from France such a measure of assistance as would insure the independence of America without involving her future in European complications. But the first condition of this policy was a declaration by the colonies that they were finally and for ever detached from Great Britain. France had no possible interest in their constitutional liberties. She had a vital interest in their independence. It was idle to suppose that she would risk a war with England for rebels who might at any time be converted by con-

stitutional concessions into loyal subjects, and enemies of the enemies of England.

The questions of a French alliance and of a declaration of independence were thus indissolubly connected. In the autumn of 1775 a motion was made in Congress, and strongly supported by John Adams, to send ambassadors to France. But Congress still shrank from so formidable a step, though it agreed, after long debates and hesitation, to form a secret committee 'to correspond with friends in Great Britain, Ireland, and other parts of the world.'[1] But the conduct of England herself soon dispelled the hesitation of America. England found herself at this time confronted with a military problem which she was utterly unable by her own unassisted efforts to solve. The same pressure of financial distress, the same reluctance to increase the army estimates, which had made the English ministers so anxious to throw upon America the burden of supporting her own army, had prevented the maintenance of any considerable army at home. Public opinion had never yet fully accepted the fact that the forces which were very adequate under Walpole were wholly insufficient after the Peace of Paris. The King, indeed, had for many years steadily maintained that military economy in England had been carried to a fatal point, and that the army was much below what the security of the Empire required; but his warnings had been disregarded.[2] The feeling of the country, the feeling of

[1] Adams' *Life*, *Works*, i. 200-203.

[2] As early as Aug. 11, 1765, the King had written to Conway: 'The only method that at present occurs to me by which the French can be prevented settling on the coast of Newfoundland would be the having a greater military force in that island, but the economical, and I may say injudicious, ideas of this country in time of peace, make it not very practicable, for a corps ought on purpose to be raised for that service, we having more places to garrison than we have troops to supply.' He adds that

the House of Commons, against large standing armies was so strong that it was impossible to resist it. As late as December 1774, the seamen had been reduced from 20,000 to 16,000, and the land forces had been fixed at 17,547 effective men.[1] In the following year, when the war became inevitable, Parliament voted 28,000 seamen and 55,000 land forces, but even this was utterly inadequate for the conquest of America, and as yet it only existed upon paper. Most of the troops that could be safely spared had been already sent, and the result had been the formation of two armies, one of which was not more than sufficient for the protection of Canada, while the other had been for months confined within the town of Boston.

It was evident that much larger forces were required if America was to be subdued, and Howe strongly urged that he could make no aggressive movement with any prospect of success unless he had at least 20,000 men. To raise the required troops at short notice was very difficult. In January 1776, Lord Barrington warned the King that Scotland had never yet been so bare of troops, and that those in England were too few for the security of the country.[2] The land tax for 1776 was raised to four shillings in the pound. New duties were imposed; new bounties were offered. Recruiting agents traversed the Highlands of Scotland, and the most remote districts of Ireland, and the poor Catholics of

we are 'very unable to draw the sword.'—*British Museum. Eg. MSS.* 982.

On August 26, 1775, he wrote to Lord North: 'The misfortune is, that at the beginning of this American business there has been an unwillingness to augment the army and navy. I proposed early in the summer the sending beating orders to Ireland; this was objected to in the Cabinet; if it had then been adopted, the army would have been at least 2,000 or 3,000 men stronger at this hour.'—*Correspondence of George III. with Lord North*, i. 265, 266.

[1] Adolphus, ii. 159.

[2] *The Political Life of Lord Barrington*, pp. 162–164.

Munster and Connaught, who had been so long excluded from the English army, were gladly welcomed. Recruits, however, came in very slowly. There was no enthusiasm for a war with English settlers. The press-gangs met with an unusual resistance. No measure short of a conscription could raise at once the necessary army in England, and to propose a conscription would be fatal to any Government.

The difficulties of subduing America by land operations, even under the most favourable circumstances, were enormous. Except on the sea-coast there were no fixed points, no fortified places of such importance that their possession could give a permanent command of any large tract of territory; the vast distances and the difficulties of transport made it easy for insurgents to avoid decisive combats; and in a hostile and very thinly populated country, the army must derive its supplies almost exclusively from England.[1] The magnitude, the ruinous expense of such an enterprise, and the almost absolute impossibility of carrying the war into distant inland quarters, ought to have been manifest to all, and no less a person than Lord Barrington, the Secretary for War, held from the beginning that it would be impossible for England to subdue America by an army, though he thought it might be subdued by a fleet which

[1] General Lloyd, who was one of the best English writers on the art of war, maintained that England, in consequence of her possession of Canada, might have completely crushed the four provinces of New England by operating vigorously on the line of country (about 150 miles) extending from Boston to Albany, or to some other point on the Hudson River; and he thought that, in the existing condition of opinion in America, if New England were subdued, the rest of the colonies would all submit. The impossibility, however, of subduing them by land measures, if they did not, he clearly showed. See a remarkable chapter on the American war in his 'Reflections on the Principles of War,' appended to his *History of the Seven Years' War*.

blockaded its seaport towns and destroyed its commerce. But Barrington was one of the most devoted of the King's friends, and he was a conspicuous instance of the demoralising influence of the system of politics which had lately prevailed in England. Already, at the close of 1774, he informed his colleagues in the clearest and most decisive manner of his disapproval of the policy they were pursuing, and he repeatedly begged the King to accept his resignation. 'I am summoned to meetings' of the ministers, he complained, 'when I sometimes think it my duty to declare my opinions openly before perhaps twenty or thirty persons, and the next day I am forced either to vote contrary to them or to vote with an Opposition which I abhor.' He wished to retire both from the ministry and from Parliament, but he had declared that he would remain in both as long as his Majesty thought fit, and he accordingly continued year after one of the responsible ministers of the Crown though he believed that the policy of the Government was mistaken and disastrous. It was only in December 1778 that his resignation was accepted.[1]

The King was the real director of the Administration, and he was determined to relinquish no part of his dominions. He was accordingly reduced to the humiliating necessity of asking for foreign assistance to subdue his own subjects. It was sought from many quarters. He himself, as Elector of Hanover, agreed to lend 2,355 men of his Electoral army to garrison Minorca and Gibraltar, and thus to release some British soldiers for the American war. The Dutch had for a long time maintained a Scotch brigade in their service, and the Government wished to take it into English pay, but the States-General refused to consent. Russia had just concluded her war with the Turks, and it was hoped that she might

[1] *Political Life of Lord Barrington*, pp. 146–186.

sell some 20,000 of her spare troops to the English service, but Catherine sternly refused. The little sovereigns of Germany were less chary, and were quite ready to sell their subjects to England to fight in a quarrel with which they had no possible concern. The Duke of Brunswick, the Landgrave of Hesse Cassel, the Hereditary Prince of Hesse Cassel, and the Prince of Waldeck were the chief persons engaged in this white slave trade, and they agreed for a liberal payment to supply 17,742 men to serve under English officers in America.[1]

The German princelets acted after their kind, and the contempt and indignation which they inspired were probably unmixed with any feeling of surprise. The conduct, however, of England in hiring German mercenaries to subdue the essentially English population beyond the Atlantic, made reconciliation hopeless and the Declaration of Independence inevitable. It was idle for the Americans to have any further scruples about calling in foreigners to assist them when England had herself set the example. It was necessary that they should do so if they were successfully to resist the powerful reinforcement which was thus brought against them.

It belongs rather to the historian of America than to the historian of England to recount in detail the various steps that led immediately to the Declaration of Independence. It will here be sufficient to indicate very briefly the main forces that were at work. Even after the enlistment of foreign mercenaries by Great Britain, the difficulty of carrying the Declaration was very great.

[1] See on the terms of this bargain, *Correspondence of George III. with Lord North*, i. 258–260, 266, 267, 294, 295. Frederick the Great is said to have marked his opinion of the transaction by claiming to levy on the hired troops which passed through his dominions the same duty as on so many head of cattle.

As late as March 1776, John Adams, who was the chief advocate of the measure, described the terror and disgust with which it was regarded by a large section of the Congress, and he clearly shows the nature of the opposition. 'All our misfortunes,' he added, 'arise from the reluctance of the Southern colonies to republican government,' and he complains bitterly that 'popular principles and axioms' are 'abhorrent to the inclinations of the barons of the South and the proprietary interests in the Middle States, as well as to that avarice of land which has made on this continent so many votaries to Mammon.' It was necessary, in the first place, to mould the governments of the Southern and Middle States into a purely popular form, destroying altogether the proprietary system and those institutions which gave the more wealthy planters, if not a preponderance, at least a special weight in the management of affairs. The Congress recommended the colonists 'where no government sufficient to the exigencies of their affairs hath hitherto been established' to adopt a new form of government, and it pronounced it necessary that the whole proprietary system should be dissolved.[1] The Revolution was speedily accomplished, and the tide of democratic feeling ran strongly towards independence. Virginia, now wholly in the hands of the revolutionary party, concurred fully with Massachusetts, and the influence of these two leading colonies overpowered the rest. In Pennsylvania, in New Jersey, in Maryland, in Delaware, in New York, in South Carolina, there was powerful opposition, but the strongest pressure was applied to overcome it. New Jersey and Maryland first dropped off and accepted the Resolution of Independence, but South Carolina and Pennsylvania opposed it

[1] Adams' *Works*, i. 207, 208, 217, 218; Story's *Constitution of the United States*, bk. ii. ch. i.; Jay's *Life*, by his son, i. 43.

almost to the last, while Delaware was divided and New York abstained. John Adams was now the most powerful advocate, while John Dickinson was the chief opponent of independence. At last, however, it was resolved not to show any appearance of dissension to the world. The arrival of a new delegate from Delaware, and the abstention of two delegates of Pennsylvania, gave the party of independence the control of the votes of these provinces. South Carolina, for the sake of preserving unity, changed sides. New York still abstained, and on July 2, 1776, the twelve colonies resolved that 'these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.' Thomas Jefferson, of Virginia, whose literary power had been shown in many able State papers, had already drawn up the Declaration of Independence, which having been revised by Franklin and by John Adams, was now submitted to the examination of Congress, and was voted after some slight changes on the evening of the 4th. It proclaimed that a new nation had arisen in the world, and that the political unity of the English race was for ever at an end.

CHAPTER XII.

THE importance of the American question during the few years that preceded the Declaration of Independence was so transcendently great that I have thought it advisable to devote the preceding chapter exclusively to its development, and have endeavoured to preserve the unity and clearness of my narrative by omitting several matters of domestic policy which I shall now proceed to relate.

From the time of the accession of Lord North to the foremost place the Government had continued steadily to increase in parliamentary authority, and the long period of anarchy and rapid political fluctuation which marked the beginning of the reign had completely ceased. The Court was now closely united with the ministers. The King disposed personally of nearly all the ecclesiastical, and of most of the other departments of patronage. He prescribed in a great measure the policy of his Government. His friends in Parliament steadily supported it; the most important of the old followers of Grenville had joined it; it was strengthened by the personal popularity of North, by the eclipse of Chatham, and by the dissension between his followers and those of Rockingham, and it commanded overwhelming majorities in both Houses. The democratic movement which followed the Middlesex election had gradually subsided. The City opposition was broken into small and hostile fragments, and a great political apathy prevailed in the nation.

But while the course of events appeared thus eminently favourable to the designs of the Court, a long series of disgraces and calamities had cast a dark shadow around the throne. In 1770 the Duke of Cumberland, one of the brothers of the King, had been compelled to appear as defendant in an action for criminal conversation on account of his adultery with Lady Grosvenor, and to pay 10,000*l.* in damages. He then formed a new and notorious connection with another married woman, and soon after the King learnt with bitter indignation that in October 1771 he had secretly married Mrs. Horton, the widow of an undistinguished Derbyshire gentleman. The new Duchess was daughter of Lord Irnham, and, as Junius and the other satirists of the Court noticed with ferocious pleasure, she was sister to that Colonel Luttrell who had been so lately put forward in opposition to Wilkes as the champion of the Court. Immediately after this marriage had been announced, the Duke of Gloucester, the favourite brother of the King, confessed that he had several years before contracted a secret marriage with the Dowager Countess of Waldegrave, an illegitimate daughter of Sir Edward Walpole, and granddaughter of the great statesman of the last reign. Very soon after, news arrived from Copenhagen of the disgrace of the King's sister, the Queen of Denmark, who had been arrested by the command of her husband on a charge of adultery with Count Struensee, the Prime Minister of Denmark, and had been thrown into prison. Struensee was executed with circumstances of peculiar horror, but the Queen after four months of confinement was suffered to retire to Hanover, where a few years later she died. The Princess Dowager, the mother of the King, was in the mean time slowly dying of cancer, and ten days after the news of her daughter's disgrace arrived in England, she ended her stormy and unhappy life. There is no

evidence whatever that for several years before her death she had exercised any political power; but the belief in her influence had never ceased, and neither her sex nor her sorrows nor her munificent charities could screen her from the most brutal insults, which pursued her to the very end of her life. Wilkes, Horne, Junius, and a crowd of nameless libellers and caricaturists, and especially the infamous papers called the 'Whisperer' and the 'Parliamentary Spy,' vied with each other in insulting her; and in March 1771, when the Princess was stricken down with her mortal illness, Alderman Townshend made a furious attack upon her in the House of Commons, declaring that for ten years England had been governed by a woman, that he considered the Princess Dowager of Wales to be the cause of all the calamities of the country, and that an inquiry should be made into her conduct.[1] The Princess died on February 8, 1772, and her body was a few days later carried to the tomb amid the shouts and rejoicings of the mob.[2]

In the same month, and in consequence of the scandals connected with the Dukes of Cumberland and Gloucester, a King's message was brought to Parliament urging both Houses to take into consideration measures for making more effectual the right which had always, it was stated, belonged to the kings of this nation of approving of all marriages in the royal family, and it was followed by the Royal Marriage Bill, which more than any other measure in 1772 divided opinion both in Parliament and in the country. The object of this Bill was to prevent the great dangers which might arise from clandestine or improper marriages in the royal family. It was possible that in consequence of such

[1] *Chatham Correspondence*, iv. 134, 135. *Cavendish Debates*, ii. 447. *Parl. Hist.* xvii. 122.

[2] Walpole's *Last Journals*, i. 17.

marriages the title of the successor to the throne might become a matter of doubt and of dispute, and it was very probable that connections might be formed, and disgraceful elements introduced into the royal family, which would greatly lower the authority of the monarchy in the country. To guard against these dangers, the Marriage Bill prohibited any descendant of the late King, except those who were the issue of princesses married into foreign houses, from contracting marriage before the age of twenty-five without the assent of the King signified under the Great Seal. After that age they might marry without the royal consent, but only if they had given notice of their intention to the Privy Council twelve months before the ceremony was performed, and if the two Houses of Parliament did not signify their disapprobation. All marriages contracted in defiance of this Act were to be null, and all who celebrated them or assisted at them were to be subject to the penalties of præmunire.[1]

This Bill was fiercely and persistently opposed. Its adversaries emphatically denied that the King possessed either by law or by prerogative any control over the marriages of his family other than that which every parent or guardian possesses over his children or his wards when they are minors. They dilated upon the great number of persons far removed from the throne who would ultimately be brought under the provisions of the law, and deprived during their whole lives of their natural and inherent right of marrying according to their inclination; and they urged that while no immorality was so pernicious to the community as the immorality of those who occupied an eminent position in the eyes of men, the moral effects of a Bill imposing such formidable restraints upon marriage must be in

[1] 12 Geo. III. c. xi.

the highest degree injurious. To treat the whole royal family as a separate caste, and to make intermarriage between its members and subjects almost impossible, was no doubt very congenial to the sentiments of a German court, but it was a slur upon the English nobility, it was utterly inconsistent with English traditions, and it claimed for a German family reigning by a parliamentary title a position which had not been claimed either by the Plantagenets, the Tudors, or the Stuarts. The principle that a marriage which was valid in the eyes of God and of the Church could be pronounced by the civil law to be not only criminal and irregular, but null and void, had indeed been introduced into English legislation in the last reign, but it was a principle which was contrary to religion, and would never be fully recognised by opinion. Nor was the Bill likely to fulfil its objects. It was intended to prevent improper persons from sitting on the throne, but it imposed no restraint on the imprudent or profligate marriage of the reigning prince. It was intended to prevent the possibility of disputed successions; but it would almost certainly multiply clandestine marriages, and call into being two classes of heirs; those who were legitimate in the eyes of God, of the Church, and perhaps of public opinion, and those whose legitimacy depended on an Act of Parliament.

Arguments of this kind made the Bill exceedingly unpopular outside Parliament, and in the House of Commons itself the feeling against it was so strong that an amendment limiting it to the reign of George III. and three years longer was only rejected by a majority of 18.[1] The measure was generally understood to emanate especially from the King, and his influence

[1] *Correspondence of George III. with Lord North*, i. 99, 100. *Parl. Hist.* xvii. 423.

was employed to the utmost to carry it. 'I do expect,' he wrote to Lord North, 'every nerve to be strained to carry the Bill through both Houses with a becoming firmness, for it is not a question that immediately relates to administration, but personally to myself, and therefore I have a right to expect a hearty support from everyone in my service, and shall remember defaulters.'[1]

The Bill was carried by large majorities; it still remains on the statute book, and, although it may be justly regarded as oppressive by the collateral branches of the House of Brunswick, who are too far from the throne to have any reasonable prospect of succeeding to it, it cannot be said to have hitherto produced any of the public dangers that were foretold. The discussions on the measure are especially interesting as marking the first appearance in opposition to the Government of Charles James Fox, a man whose name during the next thirty years occupies a foremost place in English history, and whose character and early life it will now be necessary to sketch.

He was the third son of the first Lord Holland, the old rival of Pitt. He had entered Parliament irregularly and illegally in November 1768, when he had not yet completed his twentieth year, and in February 1770 he had been made a Lord of the Admiralty in the Government of Lord North. The last political connection of Lord Holland had been with Bute, and his son appears to have accepted the heritage of his Tory principles without inquiry or reluctance. His early life was in the highest degree discreditable, and gave very little promise of greatness. His vehement and passionate temperament threw him speedily into the wildest dissipation, and the almost insane indulgence of his father gratified his every whim. When he was only

[1] *Correspondence of George III. with Lord North*, i. 91.

fourteen Lord Holland had brought him to the gambling table at Spa,[1] and, at a time when he had hardly reached manhood, he was one of the most desperate gamblers of his day. Lord Holland died in 1774, but before his death he is said to have paid no less than 140,000*l.* in extricating his son from gambling debts. The death of his mother and the death of his elder brother in the same year brought him a considerable fortune, including an estate in the Isle of Thanet and the sinecure office of Clerk of the Pells in Ireland, which was worth 2,300*l.* a year; but in a short time he was obliged to sell or mortgage everything he possessed. He himself nicknamed his antechamber the Jerusalem Chamber from the multitude of Jews who haunted it. Lord Carlisle was at one time security for him to the extent of 15,000*l.* or 16,000*l.* During one of the most critical debates in 1781 his house was in the occupation of the sheriffs. He was even debtor for small sums to chairmen and to waiters at Brooks's; and although in the latter part of his life he was partly relieved by a large subscription raised by his friends, he never appears to have wholly emerged from the money difficulties in which his gambling tastes had involved him.

Nor was this his only vice. With some men the passion for gambling is an irresistible moral monomania, the single morbid taint in a nature otherwise faultless and pure. With Fox it was but one of many forms of an insatiable appetite for vicious excitement, which continued with little abatement during many years of his public career. In 1777, during a long visit to Paris, he lived much in the society of Madame du Deffand, and that very acute judge of character formed an opinion of him which was, on the whole, very unfavourable. He has much talent, she

[1] Russell's *Life of Fox*, i. 4.

said, much goodness of heart and natural truthfulness, but he is absolutely without principle, he has a contempt for everyone who has principle, he lives in a perpetual intoxication of excitement, he never gives a thought to the morrow, he is a man eminently fitted to corrupt youth.[1] In 1779, when he was already one of the foremost politicians in England, he was one night drinking at Almack's with Lord Derby, Major Stanley, and a few other young men of rank, when they determined at three in the morning to make a tour through the streets, and amused themselves by instigating a mob to break the windows of the chief members of the Government.[2] His profligacy with women during a great part of his life was notorious, though he appears at last to have confined himself to his connection with Mrs. Armitstead, whom he secretly married in September 1795.[3] He was the soul of a group of brilliant and profligate spendthrifts, who did much to dazzle and corrupt the fashionable youth of the time; and in judging the intense animosity with which George III. always regarded him, it must not be forgotten that his example and his friendship had probably a considerable influence in encouraging the Prince of Wales in those vicious habits and in that undutiful course of conduct which produced so much misery in the palace and so much evil in the nation.[4] One of the friends of Charles

[1] Mdme. du Deffand to H. Walpole. See *Correspondence of Fox*, i. 149.

[2] Ibid. i. 224, 225. Fox appears, however, to have drunk less, or to have borne drink better, than several of his leading contemporaries. Sir Gilbert Elliot, in a letter to his wife, says: 'Fox drinks what I should call a great deal, though he is not reckoned to do so by his companions; Sheridan excessively, and Grey more than any of them. . . . Pitt, I am told, drinks as much as anybody, generally more than any of his company, and that he is a pleasant, convivial man at table.'—Lady Minto's *Life of Sir G. Elliot*, i. 189.

[3] Russell's *Life of Fox*, iii. 78.

[4] See Walpole's *Last Journals*, ii. 480, 502, 503, 598, 599.

Fox summed up his whole career in a few significant sentences. 'He had three passions—women, play, and politics. Yet he never formed a creditable connection with a woman. He squandered all his means at the gaming table, and, except for eleven months, he was invariably in opposition.'

That a man of whom all this can be truly said should have taken a high and honourable place in English history, and should have won for himself the perennial love and loyalty of some of the best Englishmen of his time, is not a little surprising, for a life such as I have described would with most men have destroyed every fibre of intellectual energy and of moral worth. But in truth there are some characters which nature has so happily compounded that even vice is unable wholly to degrade them, and there is a charm of manner and of temper which sometimes accompanies the excesses of a strong animal nature that wins more popularity in the world than the purest and the most self-denying virtue. Of this truth Fox was an eminent example. With a herculean frame, with iron nerves, with that happy vividness and buoyancy of temperament that can ever throw itself passionately into the pursuits and the impressions of the hour, and can then cast them aside without an effort, he combined one of the sweetest of human tempers, one of the warmest of human hearts. Nothing in his career is more remarkable than the spell which he cast over men who in character and principles were as unlike as possible to himself. 'He is a man,' said Burke, 'made to be loved, of the most artless, candid, open, and benevolent disposition; disinterested in the extreme, of a temper mild and placable to a fault, without one drop of gall in his whole constitution.' 'The power of a superior man,' said Gibbon, 'was blended in his attractive character with the softness and simplicity of a child. Perhaps

no human being was ever more perfectly exempt from the taint of malevolence, vanity, or falsehood.' 'He possessed,' said Erskine, 'above all men I ever knew, the most gentle, and yet the most ardent spirit.' He retained amid all his vices a capacity for warm and steady friendship; a capacity for struggling passionately and persistently in opposition, for an unpopular cause; a purity of taste and a love of literature which made him, with the exception of Burke, the foremost scholar among the leading members of the House of Commons; an earnestness, disinterestedness, and simplicity of character which was admitted and admired even by his political opponents.

He resembled Bolingbroke in his power of passing at once from scenes of dissipation into the House of Commons, and in retaining in public affairs during the most disorderly periods of his private life all his soundness of judgment and all his force of eloquence and of decision. Gibbon described how Fox 'prepared himself' for one important debate by spending twenty-two previous hours at the hazard table and losing 11,000*l.* Walpole extols the extraordinary brilliancy of the speech which he made on another occasion, when he had but just arrived from Newmarket and had been sitting up drinking the whole of the preceding night, and he states that Fox, in the early period of his brilliant opposition to the American policy of North, was rarely in bed before five in the morning, or out of it before two in the afternoon.[1] Yet, like Bolingbroke, he never lost the taste and passion for study even at the time when he was most immersed in a life of pleasure. At Eton and Oxford he had been a very earnest student, and few of his contemporaries can have had a wider knowledge of the imaginative literatures of Greece, Italy, or

[1] Walpole's *Last Journals*, ii. 4.

France. He was passionately fond of poetry, and a singularly delicate and discriminating critic; but he always looked upon literature chiefly from its ornamental and imaginative side. Incomparably the most important book relating to the art of government which appeared during his lifetime was the 'Wealth of Nations,' but Fox once owned that he had never read it, and the history which was his one serious composition added nothing to his reputation. In books, however, he found an unfailing solace in trouble and disappointment. One morning, when one of his friends, having heard that Fox on the previous night had been completely ruined at the gaming table, went to visit and console him, he found him tranquilly reading Herodotus in the original. 'What,' he said, 'would you have a man do who has lost his last shilling?'

His merits as a politician can only be allowed with great deductions and qualifications. But little stress should indeed be laid on the sudden and violent change in his political principles, which was faintly foreshadowed in 1772 and fully accomplished in 1774, though that change did undoubtedly synchronise with his personal quarrel with Lord North. Changes of principle and policy, which at forty or fifty would indicate great instability of character, are very venial at twenty-four or twenty-five, and from the time when Fox joined the Whig party his career through long years of adversity and of trial was singularly consistent. I cannot, however, regard a politician either as a great statesman or a great party leader who left so very little of permanent value behind him, who offended so frequently and so bitterly the national feelings of his countrymen, who on two memorable occasions reduced his party to the lowest stage of depression, and who failed so signally during a long public life in winning the confidence of the nation. His failure is the more

remarkable as one of the features most conspicuous both in his speeches and his letters is the general soundness of his judgment, and his opinions during the greater part of his life were singularly free from every kind of violence, exaggeration, and eccentricity. Much of it was due to his private life, much to his divergence from popular opinion on the American question and on the question of the French Revolution, and much also to an extraordinary deficiency in the art of party management, and to the frequent employment of language which, though eminently adapted to the immediate purposes of debate, was certain from its injudicious energy to be afterwards quoted against him. Like more than one great master of words, he was trammelled and injured at every stage of his career by his own speeches. The extreme shock which the disastrous coalition of 1784 gave to the public opinion of England was largely, if not mainly, due to the outrageous violence of the language with which Fox had in the preceding years denounced Lord North, and a similar violence made his breach with the Court irrevocable, and greatly aggravated his difference with the nation on the question of the French Revolution.

But if his rank as a statesman and as a party leader is by no means of the highest order, he stood, by the concurrent testimony of all his contemporaries, in the very first line, if not in the very first place, among English parliamentary debaters. He threw the whole energy of his character into this field, and by continual practice he at last attained a dexterity in debate which to his contemporaries appeared little less than miraculous. 'During five whole sessions,' he once said, 'I spoke every night but one, and I regret only that I did not speak on that night.' With a delivery that in the beginning of his speeches was somewhat slow and hesitating, with little method, with great repetition,

with no grace of gesture, with an utter indifference to the mere oratory of display, thinking of nothing but how to convince and persuade the audience who were immediately before him, never for a moment forgetting the vital issue, never employing an argument which was not completely level with the apprehensions of his audience, he possessed to a supreme degree the debating qualities which an educated political assembly of Englishmen most highly value. The masculine vigour and strong common sense of his arguments, his unfailing lucidity, his power of grasping in a moment the essential issue of a debate, his skill in hitting blots and throwing the arguments on his own side into the most vivid and various lights, his marvellous memory in catching up the scattered threads of a debate, the rare combination in his speeches of the most glowing vehemence of style with the closest and most transparent reasoning, and the air of intense conviction which he threw into every discussion, had never been surpassed. He was one of the fairest of debaters, and it was said that the arguments of his opponents were very rarely stated with such masterly power as by Fox himself before he proceeded to grapple with, and to overthrow them.[1] He possessed to the highest degree what Walpole called the power of 'declaiming argument,' and that combination of rapidity and soundness of judgment which is the first quality of a debater. 'Others,' said Sir George Savile, 'may have had more stock, but Fox had more ready money about him than any of his party.' 'I believe,' said Lord Carlisle, 'there never was a person yet created who had the faculty of reasoning like him.' 'Nature,' said Horace Walpole, 'had made him the most powerful reasoner of the age.' 'He possessed beyond all moderns,' wrote Mackintosh, 'that union of

[1] Butler's *Reminiscences*, i. 159.

reason, simplicity, and vehemence which formed the prince of orators.' 'Had he been bred to the bar,' wrote Philip Francis, 'he would in my judgment have made himself in a shorter time, and with much less application than any other man, the most powerful litigant that ever appeared there.' 'He rose by slow degrees,' said Burke, 'to be the most brilliant and accomplished debater the world ever saw.' His finest speeches were wholly unpremeditated, and the complete subordination in them of all rhetorical and philosophical ambition to the immediate purpose of the debate has greatly impaired their permanent value; but even in the imperfect fragments that remain, the essential qualities of his eloquence may be plainly seen.

At the period, however, we are now examining, his talent was yet far from its maturity, and the statesman who became one of the steadiest and most consistent of Whigs was still one of the most ardent of Tories. Almost the first speech he ever made was in favour of the expulsion of Wilkes, and he was one of the ablest advocates of the election of Luttrell, one of the fiercest vituperators of the City democrats. Very few politicians were so unpopular in the City, and in the great riot of 1771 his chariot was shattered by the mob, he was dragged through the mud, and his life was in some danger.[1] He supported the shameful attack on the property of the Duke of Portland which gave rise to the Nullum Tempus Act, and resisted the attempt of Sir W. Meredith in 1771 to defeat it. He opposed the law which punished by disfranchisement the gross corruption of the electors of Shoreham. He opposed the law making the Grenville Election Act perpetual. He opposed the motion for relieving clergymen of their sub-

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[1] See the admirable description of this riot in Sir George Trevelyan's noble volume on the early life of Fox.

scription to the Thirty-nine Articles, though he expressed a strong wish that the obligation should be no longer extended to students at the Universities.[1] It is curious to find Lord Holland congratulating himself on the close connection of his son with Lord North, and anticipating that the young statesman would infuse a new energy into his chief in the struggle with the Whigs that followed the resignation of Grafton,[2] and it is not less curious to read the judgment of the future historian of James II. upon the history of Clarendon. 'I think the style bad, and that he has a great deal of the old woman in his way of thinking, but hate the opposite party so much that it gives me a kind of partiality for him.'[3]

The resignation of Fox in February 1772 was not due to any general opposition to the policy of North, but to his opposition to the Royal Marriage Bill, and to his unsuccessful effort to amend that Marriage Act of Lord Hardwicke which his father had so ably and so bitterly opposed. It appears, however, from a letter addressed by Lord Holland to Lord Ossory that Fox considered that he 'had reason to be dissatisfied,' and to think that 'Lord North did not treat him with the confidence and attention he used to do,' and also that his father considered that he 'had been too hasty in a step of this consequence.' Fox himself probably soon adopted a similar view, for he spoke of North in a tone of marked moderation and compliment, expressed in strong terms his general concurrence with his political principles, and clearly intimated his desire not to go into general opposition.[4] North met his overtures in the same spirit, and towards the close of 1772 the first quarrel of Fox

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[1] *Parl. Hist.* xvii. 293.

[2] *Correspondence of Fox*, i. 63, 64.

[3] Jesse's *Life of Selwyn*, iii. 11.

[4] *Correspondence of Fox*, i. 70-87, Russell's *Life of Fox*, i. 33-38.

with the Tory party was ended. A new disposition of places was made expressly to open a place for him, and he became one of the Commissioners of the Treasury.

The most engrossing subject of parliamentary discussion in 1772 and the following year was the affairs of the East India Company, and in order to understand them it will be necessary to resume in a few pages the narrative which was broken off in a former volume. The period of Indian history during the five years that followed the return of Clive to England in February 1760, though it is not the most tragical, is perhaps the most shameful in its whole annals. The victories of Clive had filled the natives with an abject terror of the English name, and had given Englishmen an almost absolute ascendency in Bengal. But this power was not in the hands of the responsible government of England. It was not even in the hands of the great commercial Company which nominally ruled the British possessions in Hindostan. It was practically monopolised by a great multitude of isolated officials, scattered over vast and remote districts, dominating in the native Courts, far removed from all control, and commanding great bodies of disciplined Sepoys. Most of them had left England when little more than schoolboys, and at a time when their characters were wholly unformed. Some of them were desperate adventurers of broken fortunes and tarnished honour, and they had gone to the East at a time when very few even of the best Europeans would have considered themselves bound to apply the whole moral law to men of a pagan creed and of a colour differing from their own. The government of the Company was too weak, too divided, and too distant to exercise any real control upon their conduct; and they found themselves wholly beyond the range and influence of European opinion, and in a country where all the traditions, habits, and examples of government were

violent and despotic. Salaries had been regulated according to a European scale, and they were utterly insufficient in the East. By the strictest economy the servants of the Company could barely live upon their pay, while they had unlimited opportunities of acquiring by illicit means enormous wealth. Nowhere in Europe, nowhere else, perhaps, in the world, were large fortunes so easily amassed. Clive himself had gone out a penniless clerk; when he returned to England, at thirty-four, he had acquired a fortune of more than 40,000*l.* a year, besides giving 50,000*l.* to his relatives;[1] and he afterwards declared that when he remembered what he might have obtained he was astonished at his moderation. It was a common thing for young men who had gone out without a penny, to return, in ten or twelve years, with fortunes that enabled them to rival or eclipse the oldest families in their counties.

It needs but little knowledge of human nature to perceive that such a combination of circumstances must have led to the grossest abuses. The English officials began everywhere to trade on their own account, and to exercise their enormous power in order to drive all competitors from the field. A chief part of the native revenues consisted of duties imposed on the transit of goods; but the servants of the Company insisted on exempting themselves from paying them. Sometimes they sold for large sums a similar exemption to native traders. They defied, displaced, or intimidated all native functionaries who attempted to resist them. They refused to permit any other traders to sell the goods in which they dealt. They even descended upon the villages, and forced the inhabitants, by flogging and confinement, to purchase their goods at exorbitant prices, or to sell what they desired to purchase, at prices

[1] Malcolm's *Life of Clive*, ii. 187.

far below the market value. They exacted heavy sums, as fines, from those who refused to yield; disorganised the whole system of taxation in the native states by the exemptions they claimed; seized, bound, and beat the agents of the native governments; openly defied the commands of the Nabob, and speedily undermined all authority in Bengal except their own. Monopolising the trade in some of the first necessaries of life, to the utter ruin of thousands of native traders, and selling those necessaries at famine prices to a half-starving population, they reduced those who came under their influence to a wretchedness they had never known before. The native rulers had often swept like some fierce monsoon over great districts, spreading devastation and ruin in their path; but the oppression of the English was of a new and wholly different kind. Never before had the natives experienced a tyranny which was at once so skilful, so searching, and so strong. Every Sepoy in the service of the Company felt himself invested with the power of his masters. Whole districts which had once been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted, and the shops shut, and the roads thronged with panic-stricken fugitives.

There were other means by which the vast fortunes of the upper servants of the Company were accumulated. The Company had not adopted the plan of governing the country directly. It ruled mainly by its influence over the native authorities, and its chief servants exercised an almost unlimited power of promoting or degrading. They became the centre of a vast web of intrigue, countless native officials competing for their support, and purchasing it by gifts wrung from an impoverished people. More than one native ruler struggled against the tyranny, and there was much mutiny and disorder

among the British; but in critical moments they always displayed a skill, a courage, and a discipline that enabled them to crush all opposition. The Emperor had been murdered in 1760, and his successor, having made the Nabob of Oude his Viceroy, attempted to restore the Imperial ascendency in Bengal; but, after two severe defeats, he was compelled to retreat. Meer Jaffier, whom the English had made Nabob of Bengal after the battle of Plassy, was deposed by them, and his son-in-law, Meer Cossim, was raised to the vacant seat. He proved, however, to be a man of energy and capacity. He resented bitterly the trade privileges of the English, and he attempted to place the English traders on a level with his own subjects. The English, finding him recalcitrant, soon resolved to depose him. The struggle was long and desperate; 150 English were deliberately massacred by the Nabob at Patna. The Nabob of Oude joined his forces with those of Meer Cossim; but the prowess of the English proved again victorious. Meer Jaffier was once more made Nabob of Bengal, and the total defeat of the Nabob of Oude in the battle of Buxar, on September 15, 1764, destroyed the power of the only great Mogul chief remaining, and placed the Emperor himself under the protection of the English. In Madras the English influence was extended by the subjugation of some independent chiefs. Mohammed Ali, the Nabob of that province, was wholly subservient to the English; and the Company obtained the grant of a great part of the revenues of the Carnatic.

In January 1765, Meer Jaffier died, and the succession to his throne lay between his surviving son, who was a youth of twenty, and an infant, who was the son of his eldest deceased son. The choice legally rested with the Emperor; but he was not even consulted. The Company made Nujum-ad-dowla, the son of Meer Jaffier, Nabob; but he purchased the dignity both by large

money gifts and by conditions which marked another step in the subjugation of Bengal to the English. The new Nabob was compelled to leave the whole military defence of the province to the English, keeping only as many troops as were necessary for purposes of parade and for the administration of justice and the collection of the revenue. The civil administration was hardly less effectually transferred by a provision placing it in the hands of a vicegerent, who was to be chosen by the Nabob by the advice of the Governor and Council, and who might not be removed without their consent. The large revenues the Company already received from Bengal were confirmed and increased; the Company's servants obtained a formal concession of the privilege of trading within the country without paying the duties exacted from native traders, provided they paid two and a half per cent. on the single article of salt, and the accountants of the revenue were not to be appointed except with their approbation.

At every turn of the wheel, at every change in the system or the personality of the Government, vast sums were drawn from the native treasury, and most steps of promotion were purchased by gifts to the English. A great part of these gifts, going to minor servants for procuring minor promotions, have never been traced; but the Select Committee of 1773 published a detailed account of such sums as had been proved and acknowledged to have been distributed by the princes and other natives of Bengal from the year 1757 to 1766, both included. Omitting the great grant which had been made to Clive after the battle of Plassy, these sums amounted to no less than 5,940,498*l.*

Rumours of these abuses had begun to come to England. The Indian adventurer, or, as he was popularly called, the Nabob, was now a conspicuous and a very unpopular figure in Parliament, and the feeling of dis-

content was greatly strengthened by the impoverished and embarrassed condition of the Company. While numbers of its servants were returning to England laden with enormous wealth, the great corporation itself seemed on the verge of bankruptcy. The pay of its troops was in arrears, and the treasury at Calcutta was empty; heavy bills had been drawn in Bengal, and it was with the utmost difficulty they could be met.[1] Vansittart, who had succeeded Clive in the government of Bengal, though a man of good intentions and of some ability, was utterly unable to control his servants, and he was often paralysed by resistance in his own Council. Orders were sent out from England, in 1764, forbidding the servants of the Company from engaging on their own account in the inland trade, and enjoining that all presents exceeding 4,000 rupees received by them should be paid to their masters; but these orders were completely disregarded. It was felt by the Directors that if the Company was to be saved, a stronger hand was needed in India. After several stormy debates and much division of opinion, Clive was again made Governor and Commander-in-Chief of Bengal, and was invested with extraordinary powers; and in May 1765 he arrived at Calcutta.

His administration lasted only for eighteen months, but it was one of the most memorable in Indian history. He found, in his own emphatic words, 'that every spring of the Government was smeared with corruption; that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth.' The condition of affairs, he informed the Directors, was 'nearly desperate,' and, he added, 'in a country where money is plenty, where fear

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[1] Mill, book iv. ch. v.

is the principle of government, and where your arms are ever victorious, it is no wonder that the lust of riches should readily embrace the proffered means of its gratification, and that the instruments of your power should avail themselves of your authority and proceed even to extortion in those cases where simple corruption could not keep pace with their rapacity. • Examples of this sort set by superiors could not fail of being followed in a proportionate degree by inferiors. The evil was contagious, and spread among the civil and military down to the writer, the ensign, and the free merchant.'[1]

The scheme of policy which he adopted shows clear traces of a powerful and organising mind. Though himself the greatest conqueror in the Indian service, he strongly censured the spirit of aggrandisement and adventure that had passed into the Company, and he declared that they never could expect good finances till they recognised their own position as a purely commercial body, put a check to the incessant military expeditions in which they had engaged, and resolved to restrict their influence and their possessions to Bengal, Orissa, and Behar.[2] But the relations of the English with the Emperor and with the Nabob of Bengal were both changed. The Emperor and his Vizier, the Nabob of Oude, were still in a state of hostility to the Company, but they were thoroughly broken and humiliated, and the war had for some time languished. Clive now concluded a definite peace with them. The Nabob of Oude received back all his territory on paying a large sum in compensation, with the exception of Allahabad and Corah, which were reserved for the Emperor. The financial relations between the Emperor and Bengal were much modified, and one change was made which was of capital importance in the future government of

[1] Malcolm's *Life of Clive*, ii. 335–338. [2] Mill, iv. 7.

India. The 'Dewannee,' or right of collecting, receiving, and administering the revenue of Bengal, Orissa, and Behar, was granted to the English. They thus became practically the sovereigns of the country. The Nabob of Bengal received a large pension from the Government, but he was deprived of all real power, though, by the advice of Clive, he was still retained as a nominal ruler, in order that in case of any complication with European Powers the English might be able, under the fiction of a native prince, to preserve a somewhat greater liberty of action in declaring or in declining hostilities.

He at the same time made great efforts to cure the abuses of the administration. The difficulties he had here to encounter were enormous, for he had not only to struggle with the opposition of the civil servants in India, but also with very serious obstacles raised by the Directors at home. In spite of the orders of the Directors enormous presents had passed to their chief servants in India on the accession of Nujum-ad-dowla, and on the appointment of his vicegerent the inland trade had been expressly recognised and encouraged by the treaty with the new Nabob. At the same time the Directors positively refused to raise the salaries of their servants, and until such a step was taken, it was impossible that the inland trade could be suppressed. Some compromise was evidently necessary, and that which was adopted by Clive, though it was in direct disobedience to the instructions of his superiors at home, and though he was accused of having in the course of the transaction speculated largely for his own interest,[1] was probably one of the best that could have been devised. A peremptory order was issued forbidding the infamous practice of forcing the natives to buy and sell at such prices as the

[1] Mill, book iv., chap. vii.; see, too, chap. v.

servants of the Company chose to prescribe, and the inland trade and presents from natives were in general terms prohibited.) Clive resolved, however, to maintain for the Company a strict monopoly of the salt trade, which was probably the most lucrative in Bengal, and to assign the profits of that trade in specified proportions to the Governor, the Councillors, and the senior civil and military officers. The shares of the trade were granted to the civil servants as low down as factors, and to the military servants as low down as majors, and the chaplains and surgeons were included in the arrangement; 35 per cent. was allowed as a tax to the Company. According to the estimate of Clive, the profits from this source of a councillor or colonel would be at least 7,000*l.* a year; those of a major or factor, 2,000*l.*[1]

These measures and several others of detailed reform were carried amid storms of unpopularity. When some of the Bengal functionaries refused to act under him, he sent to Madras for substitutes. On one day 200 officers resigned, and but for the fidelity of the Sepoys the whole military organisation of the Company might have fallen to the ground. But the iron will of Clive was never diverted from its object. He encountered the animosities of those whose illicit gains he disturbed with the same calm courage which he had displayed at Fort William, at Plassy, and at Chinsurah; and when at last, in January 1767, his broken health obliged him to return to England, he had undoubtedly left the state of India much better than he had found it. Had the lines of his policy been steadily maintained, the affairs of the Company might never have passed under the hostile notice of Parliament.

The Directors, however, refused to confirm the provisions he had made about the salt trade, and on the

[1] Malcolm's *Clive*, iii. 101–103.

removal of Clive the old trade abuses grew up again, though in a somewhat mitigated form. The belief in the enormous wealth of India had greatly increased, and the proprietors of the Company began to clamour loudly for an augmented dividend. In spite of the great debts of the Company, in spite of the strong opposition of the Directors, the proprietors insisted on raising the dividend in 1766 from 6 to 10 per cent., and in 1767 to 12½ per cent.

It was about this time that the great question of the justice and propriety of a parliamentary interference with the government of India first came into practical importance. We have seen in a former chapter that Chatham strongly maintained that it was both the right and the duty of the Crown to take the government of India under its direct control; that no subjects could acquire the sovereignty of any territory for themselves, but only for the nation to which they belonged; that while the trading privileges of the Company should be preserved as long as its charter was in force, its territorial revenue belonged of right to the nation; and that the gross corruption and oppression existing in India loudly called for parliamentary interference. These views were maintained with equal emphasis by Shelburne; but in the Cabinet of Chatham himself Charles Townshend strongly urged that the question should not be brought before the House of Commons, and the whole Rockingham section of the Whigs maintained the sole right of the Company under the terms of its charters to the government and revenues of India. As no reservation of territorial revenue to the Crown had been made when these charters were purchased by the Company, granted by the Crown, and confirmed by Parliament, they contended that the claims now put forward on the part of the Government were utterly inconsistent with good faith or respect for property. In

November 1766, however, Parliament appointed a committee to inquire into and to publish the state of the Company's revenue and other affairs, its relations to the Indian princes, the expenses the Government had incurred on its account, and even the correspondence of the Company with its servants in India. It was with difficulty that the Company procured an exemption of the confidential portion of that correspondence from the general publicity. In 1767 a law was passed which introduced several new regulations into the manner of voting and declaring dividends in public companies;[1] it was immediately followed by an Act which, in defiance of the late resolution of the Court of Proprietors raising the dividend of the East India Company to 12½ per cent., limited it till the next Session of Parliament to 10 per cent.;[2] and the Company, terrified by the action of the Government, then entered into an agreement, by which it purchased the extension of its territorial revenue, and also a temporary exemption from a duty which had been imposed upon some kinds of tea, by binding itself to pay 400,000*l.* a year into the public exchequer for two years from February 1, 1767.[3]

The question of right which was thus raised was a very grave one. The enactment of a law restraining a trading company from granting such dividends as were voted and declared by those who were legally entrusted with the power of doing so was opposed by all sections of the Opposition as a gross violation of the rights of property, and as inconsistent with the security of every commercial corporation in the country. Counsel were heard against the Bill. On the third reading in the House of Lords a minority of forty-four divided against

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[1] 7 Geo. III. c. 48.
[2] Ibid. c. 49.
[3] Ibid. c. 56, 57. See Macpherson's *Annals of Commerce*, iii. 463-466.

a majority of fifty-nine, and nineteen peers signed a protest against the measure.[1] The principle, however, was maintained and extended. In 1768 the restraint on the dividend was continued for another year, and in 1769 a new agreement was made by Parliament with the East India Company for five years, during which time the Company was guaranteed its territorial revenues, but was bound to pay an annuity of 400,000*l.*, and to export a specified quantity of British goods. It was at liberty to increase its dividend during that time to 12½ per cent. providing the increase in any one year did not exceed 1 per cent. If, however, the dividend should fall below 10 per cent. the sum to be paid to the Government was to be proportionately reduced. If it sank to 6 per cent. the payment to the Government was to cease. In case the finances of the Company enabled it to pay off some specified debts, it was to lend some money to the public at 2 per cent.[2]

It is obvious that this law rested upon the supposition that the Company possessed an enormous surplus revenue, and a large section of politicians regarded the exaction of the annuity as a simple extortion, which was wholly unwarranted by the terms of the charter. It soon became evident that the Company was totally unable to pay it. Its debts were already estimated at more than six millions sterling.[3] It supported an army of about 30,000 men. It paid about one million sterling a year in the form of tributes, pensions, or compensations to the Emperor, the Nabob of Bengal, and other great native personages.[4] Its incessant wars, though they had hitherto been always successful, were always expensive, and a large proportion of the wealth

[1] Adolphus, i. 301, 302. [2] 9 Geo. III. c. 24.
[3] *Wealth of Nations*, bk. v. ch. i. part iii.
[4] *Annual Register*, 1773, p. 65.

which should have passed into the general exchequer was still diverted to the private accounts of its servants. At this critical period, too, the Company was engaged in a desperate and calamitous struggle with Hyder Ali, the ruler of Mysore, who was by far the ablest and most daring native enemy the English had yet encountered in Hindostan. The war had begun in 1767, when Hyder Ali succeeded in inducing the Nizam of Deccan to join him against the English; but although it had become evident from the beginning that an enemy had arisen who was widely different in skill and courage from those whom the Company had as yet encountered, it seemed as if English discipline was likely to be as usual completely victorious. After several vicissitudes of fortune Hyder Ali was defeated in a great battle near Amboor. The Nizam fell away from him and made peace with the English. Mangalore, one of Hyder Ali's principal seaports, was captured by a squadron from Bombay. Colonel Smith pursued the defeated chieftain into his own country, and although he was unable to force him to give battle, he penetrated far into Mysore and captured several fortresses. But towards the close of 1768 a great turn took place in the fortunes of the war. Hyder Ali reconquered everything that had been taken. With 14,000 horsemen and a large force of Sepoys, he swept almost without resistance over the southern division of the Carnatic, reducing a once fertile land to utter ruin; and soon after, having by a series of artful manœuvres succeeded in drawing the English army far from Madras, he, at the head of 6,000 cavalry, traversed 120 miles in three days, and appeared unexpectedly in the immediate neighbourhood of the English capital. He at once proposed a peace; and, as the open town and the rich country round Madras were at his mercy, the English agreed to negotiate. In April 1769 a treaty was signed,

providing for a mutual restitution of conquests and an alliance.

It was the first instance in which a victorious native Power had almost dictated terms to the English, and its effects on the fortunes of the Company were immediate. The price of East India Stock fell 60 per cent., the credit of the Company sank, and as the revenues from India began to fail, and the shadow of unpopularity fell more darkly upon the corporation, the old complaints of the abuses that were practised grew louder. Three supervisors were sent out to India by the Directors in 1769, with authority to investigate every department of the service; but the ship in which they sailed never reached its destination. In 1770 Bengal was desolated by perhaps the most terrible of the many terrible famines that have darkened its history, and it was estimated that more than a third part of its inhabitants perished. Yet in spite of all these calamities, in spite of the rapidly accumulating evidence of the inadequacy of the Indian revenues, the rapacity of the proprietors at home prevailed, and dividends of 12 and 12½ per cent., as permitted by the last Act, were declared. The result of all this could hardly be doubtful. In July 1772, the Directors were obliged to confess that the sum required for the necessary payments of the next three months was deficient to the extent of no less than 1,293,000*l.*, and in August the Chairman and Deputy Chairman waited on the minister to inform him that nothing short of a loan of at least one million from the public could save the Company from ruin.

The whole system of Indian government had thus for a time broken down. The division between the Directors and a large part of the proprietors, and between the authorities of the Company in England and those in India, the private and selfish interests of its servants in

India, and of its proprietors at home, the continual oscillation between a policy of conquest and a policy of trade, and the great want in the whole organisation of any adequate power of command and of restraint, had fatally weakened the great corporation. In England the conviction was rapidly growing that the whole system of governing a great country by a commercial company was radically and incurably false. The arguments on the subject cannot be better stated than they were a few years later by Adam Smith. The first interest, he said, of the Sovereign of a people is that its wealth should increase as much as possible; and this is especially the case in a country like Bengal, where the revenue is chiefly derived from land rent. But a company of merchants exercising sovereign power will always treat their character of sovereigns as a mere appendix to their character of merchants, will make all government subservient to the maintenance of trade monopoly, and will employ it to stunt or distort the economical development of the people over whom they rule. In the Spice Islands the Dutch were said to burn all spiceries which a fertile season produces beyond what they expected to be able to dispose of in Europe with such profit as they deemed sufficient. In British India Government officials had been known to compel a peasant to plough up a rich field of poppies, for no other reason than that they might be able to sell their own opium at a higher price. As sovereigns it was the plain interest of the Company that their subjects should buy European goods as cheaply, and should sell their own goods as profitably, as possible. As merchants possessing the sole right of trading between India and Europe, it was their interest to compel the Indians to buy what the Company supplied at the dearest rate, and sell what the Company purchased for the European market at the cheapest rate. The first object of sovereign merchant

companies is always to exclude competitors from the markets of the country they rule, and consequently to reduce some part at least of the surplus produce of that country to what they themselves require or can dispose of at the profit they consider reasonable. Insensibly but invariably, on all ordinary occasions, they will prefer the little and transitory profit of the monopolist to the great and permanent revenues of a sovereign.

And the public trade monopoly of the Company is but a small part of the evil. This, at least, extends only to the trade with Europe. But the private trade of the servants of the Company extended to a far greater number of articles, to every article in which they chose to deal, to articles of the first necessity intended for home consumption. It is idle to suppose that the clerks of a great counting-house, 10,000 miles distant from their masters, will abstain from a trade which is at once so lucrative and so easy, and it is no less idle to doubt that this trade will become a ruinous form of oppression. The Company has at least a connection with India, and has, therefore, a strong interest in not ruining it. Its servants have gone out for a few years to make their fortunes, and when they have left the country they are absolutely indifferent to its fate. If their wishes are attended to, they will establish the same legal monopoly for their private trade as the Company possesses for its public trade. If they are not suffered to do so, they will attain the same end by other means, by perverting the authority of Government and the administration of justice, in order to harass and to ruin all rival traders.[1]

The subject was discussed in Parliament, in 1772, at great length, and with much acrimony. Several propositions were put forward by the Directors, but rejected by the Parliament; and Parliament, under the

[1] *Wealth of Nations*, bk. iv. ch. vii.

influence of Lord North, and in spite of the strenuous and passionate opposition of Burke, asserted in unequivocal terms its right to the territorial revenues of the Company. A Select Committee, consisting of thirty-one members, was appointed to make a full inquiry into the affairs of the Company; but it was not till 1773 that decisive measures were taken. The Company was at this time absolutely helpless. Lord North commanded an overwhelming majority in both Houses, and on Indian questions he was supported by a portion of the Opposition. The Company was on the brink of ruin, unable to pay its tribute to the Government, unable to meet the bills which were becoming due in Bengal. The publication, in 1773, of the report of the Select Committee, revealed a scene of maladministration, oppression, and fraud which aroused a wide-spread indignation through England; and the Government was able without difficulty, in spite of the provisions of the charter, to exercise a complete controlling and regulating power over the affairs of the Company. A new Committee—this time sitting in secret—was appointed by the Government to investigate its affairs, and Parliament took the decisive step of preventing by law the Company from sending out to India a Commission of Supervision which it had appointed, on the ground that it would throw a heavy additional expenditure on its tottering finances.[1]

A very earnest opposition was made to this measure by a few members, among whom Burke was pre-eminent. The part which Burke took in the contest is a curious illustration of the strong natural conservatism of his intellect, and a curious contrast to his later speeches on Indian affairs; and few persons who follow his speeches as they appear in the parliamentary reports will fail to

13 Geo. III. c. 9. *Annual Register*, 1773, pp. 73-76.

be struck with the ungovernable violence of language, and the glaring faults of taste, temper, and tact which they display.[1] His arguments, however, when reduced to their simplest expression, were very forcible. He contended that to violate a royal charter, repeatedly confirmed by Act of Parliament, was to strike at the security of every trading corporation, and, indeed, of all private property, in the kingdom, and that it was a clear violation of the charter of a self-governed Company to prevent it, by Act of Parliament, from managing its own affairs and exercising a supervision and control over its own servants. Every additional proof of the abuses in India was an additional argument for permitting the Company to send out a Committee of Supervision, and the simple postponement of such a step would necessarily aggravate the evils that were complained of. It was true that the financial condition of the Company was deplorable; but its embarrassments were partly due to transient and exceptional causes, and mainly to the conduct of the Government itself. Without a shadow of authority in the terms of the charter or in the letter of the law, the ministers had raised a distinction between the territorial revenue and the trade revenue of the Company. By threatening the former they had extorted, in addition to the legitimate duties which had been paid into the Imperial exchequer, no less than 400,000*l.* a year, at a time when the finances of the Company were altogether unable to bear the exaction. This tribute, which was the true origin of the bankruptcy of the Company,[2] was purely extortionate. In one form or another it was computed that little less than

[1] See *Parl. Hist.* xvii. It is curious to contrast the wild language of these speeches with the admirable summary of the arguments against the Government proposal in the *Annual Register* and in the protests of the dissentient peers, which were probably all written by Burke.

[2] *Parl. Hist.* xvii. 567.

two millions sterling had of late passed annually from the Company to the Government.[1] The interference of Parliament with the affairs of the Company had been going on since 1767, and had produced nothing but unmixed disaster. Not a single abuse had been in reality removed. Government had shaken the credit of the Company; had introduced a fatal element of uncertainty into all its calculations; had imposed upon it a tribute which reduced it to bankruptcy; had paralysed its efforts to control the abuses of its own servants. Nor was there the smallest reason to believe that the withdrawal of the chief patronage of India from the Company, and the transfer of an almost boundless fund of corruption to the servants of the Crown, would prove beneficial either to England or to India. In the eyes of the law Parliament may, no doubt, be regarded as omnipotent; but its power does not equitably extend to the violation of compacts and the subversion of privileges which had been duly purchased. Yet this was the course which Parliament was now taking when it virtually cancelled the charter it had granted.

These arguments, however, proved of no avail. A large number of proprietors of the Company supported the Government. Clive himself, who was in violent opposition to the predominating party among the Directors, was usually on their side.[2] The public mind was at last keenly sensible of the enormity of the abuses in India, and it was felt that an empire already exceeding in magnitude every European country except France and Russia, with a gross revenue of four millions, and a trade in proportion,[3] should not any longer be left uncontrolled by Parliament. The Company was obliged to come to Parliament for assistance, and the ministers resolved to avail themselves of the situation to reorganise

[1] *Ann. Reg.* 1773, p. 76.
[2] Malcolm's *Life of Clive*, iii. 313 316.
[3] Ibid. 289.

its whole constitution. By enormous majorities two measures were passed through Parliament in 1773, which mark the commencement of a new epoch in the history of the East India Company. By one Act, the ministers met its financial embarrassments by a loan of 1,400,000*l.* at an interest of 4 per cent., and agreed to forego the claim of 400,000*l.* till this loan had been discharged. The Company was restricted from declaring any dividend above 6 per cent. till the new loan had been discharged, and above 7 per cent. till its bond-debt was reduced to 1,500,000*l.* It was obliged to submit its accounts every half-year to the Lords of the Treasury; it was restricted from accepting bills drawn by its servants in India for above 300,000*l.* a year, and it was obliged to export to the British settlements within its limits British goods of a specified value.

By another Act, the whole constitution of the Company was changed, and the great centre of authority and power was transferred to the Crown. The qualification to vote in the Court of Proprietors was raised from 500*l.* to 1,000*l.*, and restricted to those who had held their stock for twelve months; and by this measure 1,246 voters were at once disfranchised. The Directors, instead of being, as heretofore, annually elected, were to sit for four years, a quarter of the number being annually renewed. The Mayor's Court at Calcutta was to be restricted to small mercantile cases, and all the more important matters of jurisdiction in India were to be submitted to a new court, consisting of a Chief Justice and three puisne judges appointed by the Crown. A Governor-General of Bengal, Behar, and Orissa, was to be appointed at a salary of 25,000*l.* a year, with four Councillors, at salaries of 8,000*l.* a year, and the other presidencies were made subordinate to Bengal. The first Governor-General and Councillors were to be nominated, not by the East India Company, but by

Parliament; they were to be named in the Act, and to hold their offices for five years; after that period the appointments reverted to the Directors, but were subject to the approbation of the Crown. Everything in the Company's correspondence with India relating to civil and military affairs was to be laid before the Government. No person in the service of the King or of the Company might receive presents, and the Governor-General, the Councillors, and the judges were excluded from all commercial profits and pursuits.[1]

By this memorable Act the charter of the East India Company was completely subverted, and the government of India passed mainly into the hands of the ministers of the Crown. The chief management of affairs was vested in persons in whose appointment or removal the Company had no voice or share, who might govern without its approbation or sanction, but who nevertheless drew, by authority of an Act of Parliament, large salaries from its exchequer. Such a measure could be justified only by extreme necessity and by brilliant success, and it was obviously open to the gravest objections from many sides. The direct appointment by the legislative body of great executive officers was especially denounced as at once unprecedented and unconstitutional; for it freed ministers from the responsibility, while it left them the advantages, of the patronage, and thus, in the words of the protest of the Rockingham peers, 'defeated the wise design of the Constitution, which placed the nomination of all officers either immediately or derivatively in the Crown, while it committed the check upon improper nominations to Parliament.' Some of the names then selected were afterwards very prominent in English and Indian history. Warren Hastings had

[1] 13 Geo. III. c. 63, 64; *Parl. Hist.* xvii. 928, 929; *Annual Register*, 1773, pp. 95–105; Mill's *History of British India*, bk. iv. ch. ix.

been appointed by the East India Company Governor and President of Bengal in 1772. He now became by Act of Parliament the first Governor-General: Barwell, Clavering, Monson, and Philip Francis were the four Councillors. In the Governor-General's Council all differences were to be decided by a majority, and it was therefore always possible for the Governor-General to be thwarted by three of the Councillors.

In a future chapter of this history it will be my task to describe the results of this great change and experiment in government which makes the year 1773 so memorable in the history of British administration in India. The overwhelming majorities by which the measure was carried, in spite of the opposition of the Company, of the City of London, and of the Rockingham Whigs, show that it obtained something more than a mere party support; and Lord North, having attained his end, was anxious as much as possible to alleviate the stroke. Seventeen millions of pounds of tea were lying in the warehouses of the Company, and by permitting the direct export of this tea to the colonies, North hoped to grant a great boon to India, and did not foresee that he was taking a great step toward the loss of America.

Another subject which now attracted general attention was the charges that were brought against Clive. He complained bitterly that he had been examined before the Select Committee as if he had been a sheep-stealer. The report of the committee unveiled the many acts of violence and rapacity he had committed during his earlier administration; the great reforms which he had undertaken during his later administration had mortally offended many corrupt interests; he had bitter enemies among the Directors; he was the most prominent and most wealthy representative of a class of men who were very unpopular in the country; and as he had attached himself to the Grenville connection in politics, and had

not after the death of Grenville fully identified himself with North, his position in Parliament was somewhat isolated. General Burgoyne, when presenting one of the reports of the Select Committee, declared that it contained an account of crimes shocking to human nature; and a few days later he brought on a vote of censure directed personally against Clive. Having enumerated the disgraceful circumstances attending the deposition of Surajah Dowlah in 1757, the fictitious treaty drawn up by Clive in order to elude the payment that had been promised to Omichund, the forgery by Clive of the name of Admiral Watson, and the enormous gifts which Clive had received as a reward for the elevation of Meer Jaffier, he moved that Clive did at that time, 'through the influence of powers with which he was entrusted,' obtain, under various authorities, sums amounting to 234,000*l.*, and in so doing abused those powers.

The debates that followed were very remarkable for the confusion of parties and persons they displayed. Clive defended himself with great ability and power, and his chief advocate was Wedderburn, the Solicitor-General, while one of his chief assailants was Thurlow, the Attorney-General. Lord North voted with the enemies of Clive. The Court party were divided;[1] and the bulk of the Opposition supported Clive. Fox and Barré agreed in attacking him, while Lord G. Germaine powerfully defended him. Burke was also among his defenders. He always drew a broad distinction between the career of Clive and the career of Hastings, and maintained that though the former had committed great

[1] The King himself was very hostile to Clive. He wrote to North, May 22, 1773: 'I own I am amazed that private interest could make so many individuals forget what they owe to their country, and come to a resolution that seems to approve of Lord Clive's rapine.' *Correspondence of George III. with Lord North.* See, too, Fox's *Correspondence*, i. 92.

crimes, his serious attempts in his last administration to purify the government of India, and especially his prohibition of presents from the natives, had done much to atone for them.[1] The facts that were alleged against him could not, indeed, be disputed; but the danger of the crisis, and the universal habits of Indian life, were strong circumstances of palliation. It was remembered that fifteen years had passed since the incriminated acts were committed; that Clive had performed services of transcendent value to the Empire; that in his last administration, with every opportunity of enormously increasing his fortune, he had refrained from doing so; and that the animosity against him was quite as much due to his merits as to his crimes. The resolution of Burgoyne was divided into two parts. The first part, asserting that Clive had accepted 234,000*l.*, was carried without a division; but the latter part, censuring his conduct, was rejected after a long debate, and, on the motion of Wedderburn, the House unanimously resolved 'that Robert Clive did at the same time render great and meritorious services to this country.'[2]

He did not long survive the triumph. The excitement of the conflict and the storm of invective that was directed against him contributed to unhinge his mind, which had always been subject to a dark, constitutional melancholy; and a painful disease, and a dangerous narcotic taken to alleviate it, aggravated the evil. In November 1774 he died by his own hand, when but just forty-nine; and in this manner, about two years before the outbreak of the American war,

[1] See Burke's *Works*, xiii. 141–146.

[2] See *Annual Register*, 1773, p. 107. Malcolm's *Memoirs of Clive*, iii. 359, 360. The account in the *Parl. Hist.* xvii. 881, 882, represents the motion of censure as having been carried, but this appears to be an error. Walpole (*Last Journals*, i. 243–245) mentions several speeches which are not given in the *Parl. Hist.*

England lost the greatest general she had produced since the death of Marlborough.[1]

Another group of measures of considerable importance, which occupied at this time the attention of the public and of Parliament related to religious liberty. The spirit of intolerance, as we have seen in the last volume, had been for a long time steadily declining in England, and there was no disposition in the higher ranks of the Government and among the leaders of either of the great parties in the State to make legislation subservient to religious fanaticism. Prosecutions for religious heterodoxy had almost wholly ceased. The only case, I believe, of the punishment of a freethinker for his writings in the early years of George III. was that of Peter Anet, who was sentenced in 1762 to stand twice in the pillory, and to be imprisoned for a year in Bridewell with hard labour, for a very violent and scurrilous attack upon Christianity.[2] The Methodist movement, however, contributed to strengthen a spirit of fanaticism among the classes who were influenced by it, and, on the other hand, as we have already seen, it was encountered by explosions of mob violence which often amounted to a high degree of persecution, and which were sometimes in a very shameful manner connived at, countenanced, or even instigated by local magistrates and by clergymen. Isolated incidents occasionally occurred which seemed to show that the spirit of persecution was rather dormant than dead; [3] and the

[1] See Malcolm's *Memoirs of Clive*. Mill's *Hist. of British India*, *Parl. Debates*, vol. xvii., and the admirable account of Indian affairs in the *Annual Register*.

[2] *Annual Register*, 1762, p. 118.

[3] Thus in 1769 Abel Proffer was convicted at the Monmouth Assizes for barbarous treatment of a Jew. He had placed him before a large fire with his hands tied behind him, to roast, and then stuffed hot bacon down his throat.—*Annual Register*, 1769,

law, though mildly administered, contained many things that were repugnant to true religious liberty.

The Ecclesiastical Courts still retained a jurisdiction which was in many respects oppressive and anomalous, and there were frequent complaints of their expensive, vexatious, and dilatory proceedings. Their conflict with the temporal courts dates from a period long anterior to the Reformation, and the temporal courts had early assumed, and exercised with much severity, a superintending influence over the spiritual ones, defining their sphere of action, and arresting by 'writs of prohibition' their attempts to extend their authority. The Ecclesiastical Courts retained, however, a power of taking cognisance of acts of private immorality, heresy, and neglect of religious observances, and some large departments of wrong lay within their jurisdiction. The withholding of tithes and other ecclesiastical dues and fees from the parson or vicar, injuries done by one clergyman to another, questions of spoliation and dilapidation of churches or parsonages, matrimonial cases, and also, by a peculiarity of English law, testamentary cases and cases of intestacy, passed under their control.

The tendency of English law, however, was gradually to abridge their sphere. The strange power they originally possessed of compelling an accused person to criminate himself, by tendering to him what was termed an *ex-officio* oath relating to the matter in dispute, would probably have been abolished under Elizabeth but for the direct intervention of the Queen.[1] It was finally taken away under Charles II.[2] and the jurisdiction of

p. 93. In the same year we read that 'On Saturday morning a Methodist preacher, who had disturbed the peace of the city of Gloucester with his enthusiastic rant, was flogged through the streets by order of the mayor.' —Ibid. p. 108.

[1] Hallam's *Hist. of England*, ch. iv.

[2] 13 Car. II. st. i. c. 12.

the Ecclesiastical Courts in cases of tithes and other pecuniary dues was greatly limited. When a question of disputed right was raised, the trial passed at once from the Ecclesiastical to the Civil Court, and this rule applied to all tithe cases in which the defendant pleaded any custom, modus, or composition. The Ecclesiastical Court had, therefore, only to enforce an undisputed right, and in cases of dues or tithes under the value of 40*s.* a law of William III. provided a summary process by which they might be recovered before a justice of the peace.[1] The discipline the Spiritual Courts exercised in cases of immorality, and especially in cases of non-attendance at church, gradually faded away, from the impossibility of enforcing it. The only place where in the eighteenth century the discipline of the Anglican Church appears to have been habitually and severely enforced was in the Isle of Man under the episcopate of Bishop Wilson.

Already in the seventeenth century it had become customary to commute these penances for a money payment,[2] and such payments in cases which were mainly *pro salute animi* gradually ceased. Archbishop Secker in 1753 complained bitterly of the difficulty of enforcing any kind of ecclesiastical discipline. Yet in remote country parishes, even in the closing years of the eighteenth century, the spectacle might be occasionally seen of some poor woman arrayed in a white sheet doing public penance for her fault.[3]

[1] Blackstone, bk. iii. ch. vii.

[2] Ibid. bk. iv. ch. xv., xix. In the debate about Ecclesiastical Courts in 1813, one of the speakers mentions a case of defamation in which 'the defendant had been acquitted before the Commissary Court of Surrey, but was afterwards found guilty in the Court of Arches and condemned to do penance, and then came a dispensation from performance, for which he had to pay 95*l.*'—*Annual Register*, 1813, p. 56.

[3] Several curious particulars about Church discipline in England in the eighteenth century

In cases, however, of the wrongs which I have enumerated, and also in cases of defamation, the Ecclesiastical Courts retained all their vigour, and there were bitter complaints of their abuses and of the excessive expense of their procedure. They possessed also a peculiar weapon of terrible force. The sentence of excommunication might be imposed by them for many offences; but it was most commonly employed as a punishment for contempt of the Ecclesiastical Court in not appearing before it, or not obeying its decrees, or not paying its fees or costs. An excommunicated person in England was placed almost wholly beyond the protection of the law. He could not be a witness or a juryman. He could not bring an action to secure or recover his property. If he died without the removal of his sentence he had no right to Christian burial.[1] Nor was this all. After forty days' contumacy he might be arrested by the writ 'De excommunicato capiendo,' issued by the Court of Chancery, and imprisoned till he was reconciled to the Church.

It is a singular fact that such a tremendous power, which in theory at least might extend even to perpetual imprisonment, should during the whole of the eighteenth century have been lodged with an Ecclesiastical Court, and that it might be applied to men who had committed such trivial offences as the non-payment of fees or costs. Nor was it by any means a dead letter. Howard, in the course of his visits to the English gaols, mentions that in Rothwell gaol, in Yorkshire, he found a weaver named William Carr, who, 'having given a bad name to a woman who was said not to deserve a very good

will be found in Abbey and Overton's very interesting work on *The English Church in the Eighteenth Century*, ii. 52-54, 506-509.

[1] See Jacob's *Law Dictionary*, art. 'Excommunication.' Tomlin's *Law Dict.* art. 'Excommunication.'

one,' was cited before the Ecclesiastical Court and imprisoned 'until he shall have made satisfaction to the Holy Church, as well for the contempt as for the injury by him done unto it.' He lay in prison from May 1774 to July 1776, when he was released by an Insolvent Act which forgave that class of debtors their fees.[1] In 1787 two women were committed to Northampton gaol by virtue of the writ 'De excommunicato capiendo,' 'because they had wickedly contemned the power of the keys.'[2] In this year, however, an Act was carried limiting the time of commencing suits in these Courts for different offences to six or eight months.[3] But the most serious abuses connected with them continued to the present century. In 1812 Lord Folkestone brought forward the subject when presenting a petition from a young woman who had lain for two years in Bristol gaol as an excommunicated person. She had neglected to perform a penance imposed on her by the Ecclesiastical Court; had been excommunicated and imprisoned in consequence; and, as she was too poor to pay the fees that had been incurred, she was unable to obtain her release. Lord Folkestone related six or seven other cases of a similar kind, and in about half of them the excommunicated person had been at least three years in prison.[4] In 1813 an important Act was passed regulating the Ecclesiastical Courts. The power of excommunication for contempt and non-payment of fees was taken away. The penalty was reserved only for certain expressly defined offences, and no civil penalty or disability, except imprisonment not exceeding six months, could any longer attach to excommunication.[5]

A very scandalous form of persecution, in which,

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[1] *Howard on Prisons* (3rd ed.), p. 416.

[2] Disney's *Life of Sykes*, 199, 200, 373, 374.

[3] 27 Geo. III. c. 44.

[4] *Parl. Debates*, xxi. 99, 100, 295–303.

[5] 53 Geo. III. c. 127.

however, religious motives had no part, was practised in the last years of George II. and the early years of George III. by no less a body than the Corporation of the City of London. In 1748 that Corporation made a bye-law imposing a fine of 400*l.* and 20 marks on any person who, being nominated by the Lord Mayor for the office of Sheriff, refused to stand the election of the Common Hall, and 600*l.* on anyone who, being elected, refused to serve. The proceeds of these fines were to be employed in building the New Mansion House, which had just been begun. But the office of Sheriff was one of those in which no one could serve who had not previously taken the Sacrament according to the Anglican rite, and it was, therefore, one of those from which Dissenters were excluded. It would appear almost incredible, if the facts were not amply attested, that under these circumstances the City of London systematically elected wealthy Dissenters to the office in order that they should be objected to and fined, and that in this manner it extorted no less than 15,000*l.*

The electors appointed these Dissenters with a clear knowledge that they would not serve, and with the sole purpose of extorting money. One of those whom they selected was blind; another was bedridden. Sometimes the victims appealed against the sentence, but the case was brought in the first instance before a City court, which always gave verdicts for the Corporation, and the cost of appeals against the whole weight of the City influence was so great that few men were rich enough or determined enough to encounter it. At last a gentleman named Evans, who had been elected Sheriff, determined to fight the battle to the end. For no less than ten years the case was before the Courts. It was contended on the part of the Corporation that the Toleration Act did nothing more than suspend the penalties for attending the Nonconformist, and neglect-

ing the Anglican, service; that it left the Dissenters liable to every other penalty and inconvenience to which they had been previously subject, and that they might, therefore, be legally fined for refusing to serve in an office which they could not legally fill without going through a ceremony repugnant to their conscience. This doctrine was finally overthrown in 1767 by a judgment of the House of Lords. After consultation with the judges, and after one of the most admirable of the many admirable speeches of Lord Mansfield, the House decided that the Toleration Act took away the crime as well as the penalty of Nonconformity, and that no fine could be legally imposed on Nonconformists who refused to serve in offices to which conscientious Dissenters were ineligible by law.[1]

The next important question relating to religious liberty was one to which I have already adverted in another connection. The movement for abolishing the subscription to the Thirty-nine Articles was defended mainly on the principles of Locke and of Hoadly. Though not absolutely coextensive, it was at least closely connected with the growth of the Arian school of which Clarke, Sykes, Clayton, and Lindsey were prominent representatives, and it received a great impulse in 1766 from the publication and the popularity of the 'Confessional' of Archdeacon Blackburne. In 1771 a society called the Feathers Tavern Association was formed for the purpose of applying to the Legislature for relief. Blackburne and Lindsey were its most active members, and in February 1772 a petition, drawn up by Blackburne and signed by 250 persons, was presented to the House of Commons by Sir W. Meredith. Of those who signed it about 200 were

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[1] See the noble speech of Lord Mansfield, *Parl. Hist.* xvi. 313–327. Campbell's *Chief Justices*, ii. 511–514. Stephens on the *Constitution*, pp. 337, 338.

clergymen, and the remainder were lawyers and doctors, who protested especially against the custom which prevailed at the universities of obliging students who came up for matriculation, at the age of sixteen or even earlier,[1] and who were not intended for the Church, to subscribe their consent to the Articles. It was remarked that Oxford was strongly opposed to the movement, while a powerful party at Cambridge supported it. Watson, who was afterwards Bishop of Llandaff, and who was at this time Professor of Divinity at Cambridge, published, under the signature of 'A Christian Whig,' two letters in favour of it, which were presented to every Member of Parliament the day before the petition was taken into consideration.[2] Paley, who was then rising to prominence as a lecturer at Cambridge, refused to sign the petition on the characteristic ground that he was 'too poor to keep a conscience,' but he fully concurred in it, and he wrote anonymously in its support.[3] It was signed by Jebb and John Law, who were prominent tutors at Cambridge, and it was countenanced by the Bishop of Carlisle, who was father of John Law, and also, it is said, in some degree by Bishop Lowth.[4]

Lord North was anxious that the petition should be received and silently laid aside; but Sir Roger Newdigate, who was violently opposed to it, insisted upon moving its rejection, and a very interesting debate

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[1] *Parl. Hist.* xvii. 250.

[2] Watson's *Autobiography*, i. 65, 66.

[3] Meadley's *Life of Paley*, pp. 47–50, Append. 3–46. In his *Moral Philosophy*, book iii. ch. xxii., Paley justified subscription, but strongly denied that it bound the subscriber to believe every proposition contained in the Articles, or all the theological opinions of their compilers. The Articles, he maintained, were intended by the Legislature to exclude abettors of Popery, Anabaptists, and members of sects hostile to episcopacy, and the intention of the Legislature is the measure of the obligation of the subscriber.

[4] Walpole's *Last Journals*, i. 7–13.

ensued. On the side of the petitioners the chief topics were the obscurities, the absurdities, and inconsistencies of the Articles, the manifest severity with which they pressed upon many clerical consciences, the folly of asking schoolboys of sixteen to declare their assent to a long series of complicated dogmatic assertions, the individual right and duty of every Protestant to interpret Scripture freely for himself, the essentially Popish character of all attempts to prescribe religious opinions by human formularies, the danger and the immorality of holding out temptations to dissimulation and prevarication by annexing rewards or punishments to particular opinions, the duty of opening the Church as wide as possible to all conscientious men. The petitioners were quite ready to assent to Scripture as the inspired Word of God, and to abjure all Popish tendencies, but they refused to be bound by any merely human formularies.

Among the arguments on the other side may be mentioned the appearance, perhaps for the first time, of two political doctrines which were afterwards destined, in connection with Irish politics, and with the Roman Catholic question, to attain a great importance. It was contended that the Coronation Oath made it unlawful for the Sovereign to give his assent to any law which changed the form or character of the Established Church, and that a similar incapacity was imposed upon Parliament by the articles of the Scotch Union, which enacted the permanent maintenance of the then existing Church establishments in the two countries.[1] It is remarkable that Burke, while strongly opposing the petition, took great pains to disclaim all sympathy with these arguments, and asserted that the Coronation Oath only bound the Sovereign to

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[1] See both of these arguments in the speech of Sir Roger Newdigate, *Parl. Hist.* xvii. 255, 256.

respect the religion which his Parliament had sanctioned, and that the Act of Union was no bar to the right of the united Parliament to revise and modify the ecclesiastical conditions of the country.[1]

The King was very strongly opposed to the prayer of the petitioners,[2] and Lord North, in a temperate speech, opposed it as disturbing what was now quiet, and as likely to introduce anarchy, confusion, and dissension into the Church. The petition was supported among others by Lord George Germaine, Sir George Savile, and Thomas Pitt, the nephew of Chatham, who belonged to different political connections, and its advocates appear to have been chiefly Whigs. Dowdeswell, however, and Burke on this question severed themselves from their friends,[3] and the speech of Burke was by far the ablest in the debate. He urged the great danger of religious alterations, which usually pave the way to religious tumults and shake one of the capital pillars of the State. He dwelt upon the complete indifference of the great majority of the people to the subject, and he laid down very emphatically the principle which always governed his own attitude and that of the section of the Whig party which he inspired, towards proposed reforms. 'The ground for a legislative alteration of a legal establishment is this and this only: that you find the inclinations of the majority of the people, concurring with your own sense of the intolerable nature of the abuse, are in favour of a change.' No such desire existed in the present case. While strongly asserting the right of every man to follow his own convictions in

[1] *Parl. Hist.* xvii. 276–279.

[2] *Correspondence of George III. with Lord North*, i. 89; ii. 378.

[3] Burke, in a letter to Lady Huntingdon, promising to oppose the petition, says: 'My sentiments in regard to the petition of the clergy praying to be relieved from subscription to the 39 Articles, are in opposition to the opinions of nearly all my own party.'—*Life of the Countess of Huntingdon*, ii. 287.

religion, he as strongly maintained the undoubted right of the Legislature 'to annex its own conditions to benefits artificially created,' and 'to take a security that a tax raised on the people shall be applied only to those who profess such doctrines and follow such a mode of worship as the Legislature representing the people has thought most agreeable to their general sense, binding as usual the minority not to an assent to the doctrines, but to a payment of the tax.' The present question, he said, is not a question of the rights of private conscience, but of the title to public emoluments. He drew a vivid picture of the utter unsuitability of the Bible to be treated as a bond of union or a summary of faith,[1] and he dilated upon the impossibility of maintaining a religious organisation without any fixed code of belief, and the confusion and anarchy which an abolition of subscription would probably produce. By a majority of 217 to 71 the House refused to receive the petition.[2]

The question was again introduced in 1773 and 1774, but it made no progress either in the House or in the country, though the subscription of students at

[1] 'What is that Scripture to which they are content to subscribe? They do not think that a book becomes of divine authority because it is bound in blue morocco, and is printed by John Basket and his assigns? The Bible is a vast collection of different treatises. A man who holds the divine authority of one may consider the other as merely human. . . . There are some who reject the Canticles—others six of the Epistles. The Apocalypse has been suspected even as heretical, and was doubted of for many ages. . . . The Scripture is no one summary of doctrines regularly digested, in which a man could not mistake his way. It is a most venerable but most multifarious collection of the records of the divine economy, a collection of an infinite variety of cosmogony, theology, history, prophecy, psalmody, morality, apologue, allegory, legislation, ethics, carried through different books, by different authors, at different ages, for different ends and purposes.'—Burke's *Works*, x. 20, 21.

[2] *Parl. Hist.* xvii. 246-296. Burke's *Works*, x. 3-21.

Cambridge was soon after modified. Several of the leaders of the movement seceded from the Church of England to Unitarianism; the school of Hoadly was in its decadence, and a new spirit was arising in the Church. It was a significant fact that the Methodists, and the section of the Anglican clergy who were most imbued with their principles, were the most ardent opponents of the relaxation of subscription,[1] and the strongly dogmatic character of the Evangelical school, and the Calvinistic theology which soon became dominant within it, tended to attach its members to the Articles. The opposition to them soon died away, and when it was next revived it was by the school which was beyond all others the most opposed to that of Hoadly, by members of the school of Newman, who justly looked upon the Articles as the stronghold of that Protestant faith which they desired to extirpate from the Church.

In the course of the debates on the subscription, Lord North said that if the application for relief had come from Dissenting ministers, who received no emoluments from the Establishment, he could see no objection to it, and this remark encouraged the Dissenters to apply for a relief from their subscription. As we have seen, their ministers, schoolmasters, and tutors were compelled by the Toleration Act to assent to thirty-five and a half of the Thirty-nine Articles of the Church of England. No such subscription had been exacted in the Irish Toleration Act of 1719, which legalised the position of the Irish Protestant Dissenters, and it was on various grounds unpopular among the Dissenters in England. Many had drifted far from the orthodoxy of their fathers; many had adopted the views of Hoadly, that all subscriptions to human formularies

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[1] *Life of the Countess of Huntingdon*, ii. 285–288. Walpole's *Last Journals*, i. 376.

were wrong, and many others who cordially believed the doctrinal articles regarded the subscription to them as a humiliating act of homage to a rival Church. The law, indeed, appears to have been very rarely enforced, and there was a party among the more orthodox Dissenters who desired its maintenance, and even petitioned against the abolition of the subscription to the Anglican Articles as tending to encourage the growth of Arianism.[1] The prevailing Dissenting opinion, however, was on the other side, and the relief Bill was extremely well received in the House of Commons. The ministers, though they did not take it under their own charge, appear to have favoured it, or at least to have been divided on the subject. On the side of the Opposition, Burke spoke strongly in its favour, and the great body of the Whigs supported it. It was carried through the House of Commons by large majorities in 1772 and 1773, but the bishops—strongly countenanced by the King, and, apparently at his orders, by the ministry[2]—opposed it in the Lords, and in spite of the warm support of Chatham it was defeated in that House. In 1779, however, it was brought in with more success, and by the concurrence of both parties Dissenting ministers and tutors were admitted to the benefits of the Toleration Act without a subscription to the Articles, provided they declared themselves Christians and Protestants, and believers in the Old and New Testaments.[3] In the same year the Irish Parliament relieved the Irish Nonconformists from the Test Act.

On these questions the tendency of the Whigs was somewhat more decidedly towards religious liberty than that of the Tories. This was, however, in some degree

[1] *Parl. Hist.* xvii. 441, 443, 770–772, 786–790.

[2] *Correspondence of George III. with Lord North*, i. 101.

[3] 19 Geo. III. c. 44. See Belsham's *Life of Lindsey*, pp. 66, 67.

due to the greater freedom of an Opposition, and in some degree to the old alliance of the Dissenters with the Whigs; each party was much divided, and Lord North's own disposition was far removed from intolerance. In one most important measure, which marks an epoch in the history of religious liberty, the Government, as we have already seen, represented the liberal, and the Opposition the intolerant side. The Quebec Act of 1774, establishing Catholicism in Canada, would a generation earlier have been impossible, and it was justly considered a remarkable sign of the altered condition of opinion that such a law should be enacted by a British Parliament, and should have created no serious disturbances in the country. The Church party was at this time closely allied with the Court against the Americans. The bishops were on nearly all questions steady supporters of Lord North, and only one of them actively opposed the Quebec Bill.

The Whig party and the City politicians were fiercely hostile to the measure. Chatham denounced it as 'a breach of the Reformation, of the Revolution, and of the King's Coronation Oath,' 'a gross violation of the Protestant religion.' The City of London presented an address to the King petitioning him not to give his assent to a Bill which was inconsistent with his Coronation Oath and with his position as protector of the Protestant religion. When the King went down to the House of Lords to give his assent to the Bill, he was met by cries of 'No Popery!' from an angry mob,[1] and the Sovereign who in his later years was justly regarded as the bitterest enemy of his Catholic subjects in Ireland was now described as leaning more strongly to Popery than any English monarch since the Stuarts. It was customary to compare George III. in this respect to

[1] Walpole's *Last Journals*, i. 374, 379.

Charles I.[1] When Burke, in 1775, moved his famous scheme for conciliating America, Horace Walpole commented upon it in these terms: 'It is remarkable that in his proposed repeal he did not mention the Quebec Bill—another symptom of his old Popery.'[2]

The success of the Quebec Act led Parliament, a few years later, to undertake the relief of the Catholics at home from some part of the atrocious penal laws to which they were still subject. The absurdity of maintaining such laws suspended over the heads of a small and peaceful fraction of the nation, in an age of general enlightenment and toleration, was now keenly felt, and it was the more conspicuous on account of the marked change which had passed over the spirit of the chief Catholic Governments of Europe. Religion had everywhere ceased to be a guiding motive in politics. Nearly all the Catholic governments of Europe were animated by a purely secular spirit, and were completely emancipated from clerical influence. Pombal in Portugal; Choiseul, Malesherbes, and Turgot in France; Aranda and Grimaldi in Spain, however much they may have differed on other points, were in this perfectly agreed. If Austria, under Maria Theresa, formed a partial exception, the accession to the empire of Joseph II. in 1764 had already given a new bias to its policy. The

[1] 'James II. lost his crown for such enormities. The prince that wears it to the prejudice of that family is authorised by a free Parliament to do what James was expelled for doing! A prince cried up like Charles I. for his piety is as favourable to Papists as Charles was, and has a bench of bishops as unjust to the Presbyterians, as propitious to Papists, as Charles had. And George III. has an army, which Charles had not.'—Walpole's *Last Journals*, i. 378. The poet Cowper wrote (Feb. 13, 1780) about the resemblance of the reigns of George III. and of Charles I., 'especially the suspicion that obtains of a fixed design of Government to favour the growth of Popery.'—See Albemarle's *Life of Rockingham*, ii. 393.

[2] Walpole's *Last Journals*, i. 541.

Jesuits, who represented especially the intolerance and aggressiveness of Catholicism, had, for many years, lost all credit and almost all power. They had been expelled from Portugal in 1759, from France in 1764, from Bohemia and Denmark in 1766, from Spain, the Spanish colonies in America, Venice, and Genoa in 1767, from Malta, Naples, and Parma in 1768, and, at last, in 1773, Clement XIV. had been induced to issue his famous bull suppressing the order. In nearly all Catholic countries, the tendency was to enlarge the bounds of religious liberty, to secularise the Government, and to restrict the power of the Church. Charles III. had almost completely fettered the Inquisition of Spain. In the course of a few years, stringent laws were made reducing the power of the clergy in Venice, Austrian Lombardy, Piedmont, Parma, and the two Sicilies. An imperial edict in 1776 had abolished some of the worst forms of persecution in Austria and Hungary, and in the same year Necker, though an austere Calvinist, obtained a foremost place among the ministers of France.

All these things made the legal position of the English Catholics appear especially shameful, and the laws against them manifestly reflected the passions and the intolerance of another age. In considering, however, the real working of these laws, we must remember the curious conservatism of English legislators, who have continually preferred to allow a bad or an unpopular law to become dormant rather than repeal it. The statute book is by no means a true reflex of contemporary opinion and practice, for it is full of strange survivals of other ages. Thus a law of Henry V. which provided that all members of counties and boroughs must be residents in the constituencies they represented, and that no non-resident could be a voter, was suffered to be completely obsolete for centuries, and was at last

removed from the statute book in 1774.[1] I have already referred to the law for slowly pressing to death prisoners who refused to plead, which was only repealed in 1772,[2] and to the law for punishing Irish witches with death, which was only repealed in 1821,[3] and several other almost equally striking instances may be adduced. Shortly before the Restoration, thirteen gipsies were executed at one Suffolk assize, under a law of Elizabeth, which made all gipsies found in England liable to death,[4] and this law, though censured by a committee of the House of Commons in 1772,[5] was not repealed till 1783.[6] The mediæval 'appeal of murder,' which enabled the heir of the deceased person to challenge the alleged murderer to battle, after his acquittal by a jury, and which took away from the Crown all power of pardoning the accused if he were defeated, was recognised by English law during the whole of the eighteenth century. It was eulogised in Parliament by Dunning in 1774,[7] and it was only abolished in 1819 on account of an appellee having, in the previous year, thrown down his glove in the Court of King's Bench and demanded his legal right of trial by battle.[8] The 'wager of law,' according to which a man who was charged with a debt was released from it if he denied the obligation, and obtained eleven neighbours to swear, from a general knowledge of his character, that they believed him, existed in English law till 1833.[9]

From time to time an ingenious man exhumed some obsolete and forgotten law for the purpose of extorting

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[1] It was repealed by 14 Geo. III. c. 58. See, for much information on this subject, Creasy's *Hist. of the Constitution*, 257-260.

[2] 12 Geo. III. c. 20.

[3] 1 & 2 Geo. IV. c. 18.

[4] Blackstone, book iv. c. 13.

[5] *Parl. Hist.* xvii. 448-450.

[6] 23 Geo. III. c. 51.

[7] *Parl. Hist.* xvii. 1291-1297. See, too, Campbell's *Lives of the Chancellors*, viii. 22-24.

[8] 59 Geo. III. c. 46.

[9] 3 & 4 William IV. c. 42.

money or gratifying revenge. Thus, in 1761, we find a lady tried at Westminster to recover a penalty of 20*l.*, under a law of Elizabeth, because she had not attended any authorised place of worship for a month previously, and acquitted by the jury on the ground of her ill health.[1] In 1772, a vicar was fined 10*l.* and his curate 5*l.* for not having read in church an old Act against cursing and swearing. The vicar, it appears, had dismissed his curate, and the sons of the latter, having discovered the existence of this long-forgotten law, brought the action in revenge, not knowing that their father would be involved in the condemnation.[2] In 1774, a gentleman was indicted at the Chester Assizes for having broken the law of Elizabeth, which, in order to prevent the increase of the poor, made it penal to erect any detached cottage without accompanying it with four acres of freehold land.[3] The judges expressed great indignation at the proceeding, and at their representation the statute was repealed in the following session.[4] Two statutes of Charles II. requiring that the dead should be buried in woollen, and imposing a penalty of 5*l.* on clergymen who neglected to certify to the churchwarden any instances in which the Act was not complied with, were only repealed in 1814, on account of a number of actions being brought by a common informer to recover the penalties.[5]

In all, or nearly all, of these cases, the prosecutions were due to private motives of revenge or avarice, and similar motives, no doubt, inspired most of those directed against Catholics. The Act still subsisted

[1] *British Chronicle*, Feb. 23, 1761.

[2] *Gentleman's Magazine*, 1772, p. 339.

[3] 31 Eliz. c. 7. See Blackstone, book iv. c. 13.

[4] *Observations on a Scheme for the Maintenance of the Poor, in a Letter to Thomas Gilbert* (Chester 1776), pp. 21, 22. The law was repealed by 15 Geo. III. c. 32.

[5] Phillimore's *Hist. of Geo. III.* p. 68. 54 Geo. III. c. 108.

which gave a reward of 100*l.* to any informer who procured the conviction of a Catholic priest performing his functions in England, and there were occasional prosecutions, though the judges strained the law to the utmost in order to defeat them, and insisted upon a rigour and fulness of proof that would not have been exacted in any other case. In 1767, a priest named John Baptist Malony was tried at Croydon on the charge of having administered the sacrament to a sick person, was found guilty and was condemned to perpetual imprisonment. He lay for some years[1] in confinement, and was then banished from England. In the same year, a mass-house in Southwark was suppressed, but the priest succeeded in escaping by a back-door. Two priests, named Webb and Talbot—the latter a brother of Lord Shrewsbury—were prosecuted in 1768 and 1769, but were acquitted through a defect in the evidence establishing their orders. Malony was, I believe, the only priest actually convicted during the reign of George III., but prosecutions were sufficiently frequent to make the position of all priests exceedingly

[1] According to Burke (speech at Bristol in 1780), two or three years. Burke's *Works*, iii. 389. Oliver says his imprisonment lasted four years. (*Collections illustrating the Hist. of the Catholic Religion in Cornwall, Devon, Dorset, &c.* pp. 14, 15.) Lord Shelburne alluded to this case in a speech in 1778. 'Mr. Malony, a priest of the Roman Catholic persuasion, had been apprehended and brought to trial by the lowest and most despicable of mankind, a common informing constable of the City of London. He was convicted of being a popish priest, and the Court were reluctantly obliged to condemn him (shocking as the idea was) to perpetual imprisonment. His Lordship was then in office, and though every method was taken by the Privy Council to give a legal discharge to the prisoner, neither the laws then in force would allow of it, nor dared the King himself to grant him a pardon. He, however, with his colleagues in office, was so perfectly persuaded of the impolicy and inhumanity of the law, that they ventured to give him his liberty at every hazard.' —*Parl. Hist.* xix. 1145.

precarious. Mrs. Lingard, the mother of the historian, who died in 1824 at the age of ninety-two, is said to have remembered the time when her family had to go in a cart at night to hear mass, the priest wearing a round frock to resemble a poor man.[1]

Mansfield and Camden, who differed on most questions, agreed cordially in discountenancing legal measures against Catholics. One priest appears to have escaped conviction mainly through the extraordinary ingenuity with which Mansfield from the bench suggested doubts and difficulties in the evidence of a very clear case, and thus gave the jury a pretext for acquitting the prisoner.[2] Sir William Stanley, of Hooton, was indicted in 1770 for refusing to part with his four coach-horses when a 20*l.* note was tendered to him, but he was acquitted upon the ground that a bank-note was not legal tender.[3] In another case, the owner of an estate in the north of England endeavoured to reduce a lady, who was a near relative of his own, to utter poverty by depriving her of her jointure, which was in the form of a rent-charge on his estate, on the plea that

[1] Oliver's *Collections illustrating the History of the Catholic Religion*, p. 33. *Gentleman's Magazine*, 1767, pp. 141, 142. Butler's *Memorials of the English Catholics*. Butler states (ii. 64) that in 1780 he ascertained that a single house of attorneys in Gray's Inn had defended more than twenty priests under prosecution for their religion, and had defended them in most cases gratuitously. Butler does not say over how long a period these prosecutions were diffused. I suspect the time must have included at least the whole reign of George III., and that the defence of all the Catholic cases must have fallen to this firm.

[2] See his very curious charge in Campbell's *Chief Justices*, ii. 514-516. In 1776 Dunning moved in the Court of King's Bench for informations against two Middlesex justices of the peace, who had refused to compel two persons charged with being Roman Catholics, to take the oaths. Mansfield refused the injunction, and at the same time expressed his disapproval of the attempt to revive the severities of the penal code.—*Annual Register*, 1776, p. 191.

[3] Oliver, p. 15.

being a Catholic she could take no estate or interest in land. Lord Camden took up her case with great zeal, and finding that there was no remedy in the existing law, he took the extreme step of bringing in and carrying a special Act of Parliament for her relief.[1] The position of Catholics, however, and especially of Catholic landowners, was always one of extreme precariousness. They were still subject to a double land-tax. They were at the mercy of their Protestant relatives, who might easily deprive them of their land; at the mercy of common informers; at the mercy of any two justices who might at any time tender to them the oath of supremacy. They were virtually outlaws in their own country, doomed to a life of secrecy and retirement, and sometimes obliged to purchase by regular contributions an exemption from prosecution.

Several of their largest landowners had recently taken the oath, and the English Catholics were a small body with no power in the State. A Catholic writer, in 1781, estimated that in that year they counted 7 peers, 22 baronets, and about 150 other gentlemen of landed property. Several of the peers and three or four of the baronets were men of great estates, but the landed properties of the remaining commoners did not average more than 1,000*l.* a year, and not more than two or three Catholics held prominent positions in the mercantile world.[2]

The worst part of the persecution of Catholics was based upon a law of William III., and in 1778 Sir George Savile introduced a Bill to repeal those portions of this Act which related to the apprehending of Popish bishops, priests, and Jesuits, which subjected

[1] Burke's *Works*, iii. 389. Butler's *Memorials of the English Catholics*, ii. 72, 73.

[2] *State and Behaviour of English Catholics from the Reformation to the Year* 1781, pp. 121, 122.

these and also Papists keeping a school to perpetual imprisonment, and which disabled all Papists from inheriting or purchasing land. In order to obtain the benefits of the law, it was necessary that the Catholics should take a special oath abjuring the Pretender, the temporal jurisdiction and deposing power of the Pope, and the doctrine that faith should not be kept with heretics, and that heretics, as such, may be lawfully put to death.[1]

It is an honourable fact that this Relief Bill was carried without a division in either House, without any serious opposition from the bench of bishops, and with the concurrence of both parties in the State. The law applied to England only, but the Lord Advocate promised, in the ensuing session, to introduce a similar measure for Scotland.

It was hoped that a measure which was so manifestly moderate and equitable, and which was carried with such unanimity through Parliament, would have passed almost unnoticed in the country; but fiercer elements of fanaticism than politicians perceived were still smouldering in the nation. The first signs of the coming storm were seen among the Presbyterians of Scotland. The General Assembly of the Scotch Established Church was sitting when the English Relief Bill was pending, and it rejected by a large majority a motion for a remonstrance to Parliament against it. But in a few months an agitation of the most dangerous description spread swiftly through the Lowlands. It was stimulated by many incendiary resolutions of provincial synods, by pamphlets, handbills, newspapers, and sermons, and a 'Committee for the Protestant Interests' was formed at Edinburgh to direct it. The Scotch Catholics were exceedingly alarmed, and they

[1] 18 Geo. III. c. 60.

endeavoured to avert the danger which they feared by signing and publishing, in the beginning of 1779, a letter to Lord North, entreating him to forego his intention of putting them in the same position as their brethren in England, as any such attempt would arouse a spirit of fanaticism in Scotland that would endanger their lives and property. But it was now too late. Furious riots broke out in January 1779, both in Edinburgh and Glasgow. Several houses in which Catholics lived, or the Catholic worship was celebrated, were burnt to the ground. The shops of Catholic tradesmen were wrecked, and their goods scattered, plundered, or destroyed. Catholic ladies were compelled to take refuge in Edinburgh Castle. The houses of many Protestants who were believed to sympathise with the Relief Bill were attacked, and among the number was that of Robertson the historian. The troops were called out to suppress the riot, but they were resisted and pelted, and not suffered to fire in their defence; and the fears or sympathies of the Edinburgh magistrates were clearly shown in the almost grotesque servility of the proclamation which they issued to the rioters. 'To remove the fears and apprehensions,' they wrote, 'which had distressed the minds of many well-meaning people in the metropolis, with regard to the repeal of the penal statutes against Papists, the public are informed that the Act of Parliament passed for that purpose was totally laid aside, and therefore it was expected that all peaceable subjects would carefully avoid connecting themselves with any tumultuous assembly for the future.'[1]

The flame soon spread southwards. For some years letters on the increase of Popery had been frequently appearing in the London newspapers.[2] Many murmurs

Campbell's *Chief Justices*, ii. 516.

[2] Several curious letters on this subject will be found in the *St. James's Chronicle* for 1765. The alarm at the alleged increase of

had been heard at the enactment of the Quebec Act, and many striking instances in the last ten years had shown how easily the spirit of riot could be aroused, and how impotent the ordinary watchmen were to cope with it. Great discontent had undoubtedly been produced in large sections of the population by the Relief Act of 1778; the success of the Scotch riots in preventing the introduction of a similar measure for Scotland encouraged the hopes of procuring its repeal; and the fanatical party had unfortunately acquired an unscrupulous leader in the person of Lord George Gordon, whose name now attained a melancholy celebrity. He was a young man of thirty, of very ordinary talents, and with nothing to recommend him but his connection with the ducal house of Gordon, and his position as a member of Parliament, and he had for some time distinguished himself by coarse, violent, and eminently absurd speeches on the enormities of Popery, which only excited ridicule in the House of Commons, but which found admirers beyond its walls. He was a Scotchman, and appears to have been honestly fanatical, but his fanaticism was mixed with something of the vanity and ambition of a demagogue, and with a vein of recklessness and eccentricity closely akin to insanity. A 'Protestant Association,' consisting of the worst agitators and fanatics, was formed, and at a great meeting held on May 29, 1780, and presided over by Lord George Gordon, it was determined that 20,000 men should march to the Parliament House to present a petition for the repeal of the Relief Act.

It was about half-past two on the afternoon of Friday, June 2, that three great bodies, consisting of

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Popery led the House of Lords in the next year to pass a motion requesting the bishops in their several dioceses to obtain from their clergy an account of the Catholics in each parish. See *Gent. Mag.* 1767, p. 429.

many thousands of men, wearing blue cockades, and carrying a petition which was said to have been signed by near 120,000 persons, arrived by different roads at the Parliament House. Their first design appears to have been only to intimidate, but they very soon proceeded to actual violence. The two Houses were just meeting, and a scene ensued which has scarcely been paralleled in England, though it resembled on a large scale and in an aggravated form the great riot around the Parliament House in Dublin, which took place during the administration of the Duke of Bedford. The members were seized, insulted, compelled to put blue cockades in their hats, to shout 'No Popery!' and to swear that they would vote for the repeal; and many of them, but especially the members of the House of Lords, were exposed to the grossest indignities. Lord Mansfield, who was now in his seventy-sixth year, was particularly obnoxious to the mob on account of the recent acquittal of a Popish priest by his influence. The windows of his carriage were broken, the panels were forced in, and he was in great danger of being torn to pieces, when the Archbishop of York succeeded with much courage in extricating him from the grasp of his assailants. The Chancellor, Lord Thurlow, who was equally unpopular, was not present, but the mob speedily recognised his brother, the Bishop of Lincoln. In a few moments a wheel of his carriage was wrenched off, and the bishop was for a time in extreme danger, when a law student succeeded in dragging him, half fainting, into a neighbouring house, where he disguised himself and then escaped over the roofs. The carriage of Lord Stormont was shattered to pieces, and he was for half an hour in the hands of the mob. Bathurst, Boston, Townshend, Hillsborough, and many other peers underwent the grossest ill-usage.

The Duke of Richmond was that day bringing in a

motion—to which the insensate proceedings of the mob furnished a ghastly commentary—in favour of putting all power in the hands of the populace by granting them universal suffrage and annual parliaments. But no serious discussion was possible. Pale, bruised, and agitated, with their wigs torn off, their hair dishevelled, their clothes torn and bespattered with mud, the peers of England sat listening to the frantic yells of the multitude who already thronged the lobbies.

In the Commons Lord George Gordon presented the petition, and demanded its instant consideration. The House behaved with much courage, and after a hurried debate it was decided by 192 to 7 to adjourn its consideration till the 6th. Lord George Gordon several times appeared on the stairs of the gallery, and addressed the crowd, denouncing by name those who opposed him, and especially Burke and North; but Conway rebuked him in the sight and hearing of the mob, and Colonel Gordon, one of his own relatives, declared that the moment the first man of the mob entered the House he would plunge his sword into the body of Lord George. The doors were locked. The strangers' gallery was empty, but only a few doorkeepers and a few other ordinary officials protected the House, while the mob is said at first to have numbered not less than 60,000 men. Lord North succeeded in sending a messenger for the Guards, but many anxious hours passed before they arrived. Twice attempts were made to force the doors. At one time the danger seemed so imminent that Colonel Luttrell proposed that they should be thrown open, and that the members should, with their drawn swords, endeavour to cut their way through the mob. Happily, however, the crowd, though it contained some desperate fanatics, and some desperate criminals, consisted chiefly of idle, purposeless ruffians of the lowest class, bent only on mischief and amusement, but animated by no very bitter

animosity, and they were content with having kept the two Houses of Parliament for several hours blockaded and imprisoned. The stifling heat of the day caused many to drop away. Lord Mahon harangued the crowd with some effect from the window of a neighbouring coffee-house; Alderman Sawbridge and the Assistant Chaplain expostulated with them, but without much success, and at last about nine o'clock the troops appeared, and the crowd, without resisting, agreed to disperse.

A great part of them, however, were bent on further outrages. They attacked the Sardinian Minister's chapel in Duke Street, Lincoln's Inn Fields. They broke it open, carried away the silver lamps and other furniture, burnt the benches in the street, and flung the burning brands into the chapel. The Bavarian Minister's chapel in Warwick Street, Golden Square, was next attacked, plundered, and burnt before the soldiers could intervene. They at last appeared upon the scene, and some slight scuffling ensued, and thirteen of the rioters were captured.

It was hoped that the riot had expended its force, for Saturday and the greater part of Sunday passed with little disturbance, but on Sunday afternoon new outrages began in Moorfields, where a considerable Catholic population resided. Several houses were attacked and plundered, and the chapels utterly ruined. The mob tore up altars, pulpits, pews and benches, and made large fires of them. Nothing but the bare walls remained, and even these sometimes fell before the heat. The soldiers were called in, but only when it was too late, and they were not suffered to fire. Authority seemed completely paralysed. The impunity that had hitherto attended the outrages, the hope of gigantic plunder, the madness which every hour became stronger and more contagious, the desperation of men who had already compromised themselves beyond return, all added to the flame. The

mob were fast finding their leaders; and as their confidence in themselves increased, they loudly boasted that they would root out Popery from the land, release the prisoners who had been confined in Newgate for the outrages on Friday, and take signal vengeance on the magistrates who had committed them, and on all who had given evidence against them.

Monday, June 5, was the anniversary of the King's birthday, and the signs of official rejoicing contrasted strangely with the panic that was abroad. The military preparations were still miserably inadequate. A proclamation was issued promising a reward of 500*l.* for the detection of those who were concerned in plundering the Sardinian and Bavarian chapels, but the rioters were as far as possible from being intimidated. One party, carrying spoils of the chapels they had plundered, marched in triumph to Lord George Gordon's house in Welbeck Street, and then burnt them in the adjoining fields. Another party went to Virginia Lane, Wapping, and a third to Nightingale Lane, and in each of these places a Catholic chapel was soon in a blaze. A Catholic school at Hoxton was next destroyed. They then attacked the houses and shops of those who had given evidence against the rioters, burnt them, and plundered their contents. Sir George Savile's house in Leicester Square underwent the same fate. As the proposer of the Relief Bill, he was especially obnoxious to the fanatical portion of the rioters, and he had prudently taken the precaution of secretly removing his plate and some other valuables. The house, however, was completely wrecked, and when the evening closed in, it was little more than a ruin. The iron rails that surrounded it were torn up, and became formidable weapons in the hands of the mob.

All this was done with complete impunity, and as a natural consequence the spirits of the rioters rose higher

and higher. On Tuesday, June 6, more daring enterprises were attempted. All the troops in London were concentrated on a few points, such as the Tower, the Houses of Parliament, St. James's Palace, and St. George's-in-the-Fields, and great districts were almost wholly unprotected. No Catholic house was any longer secure. No one knew how many were implicated in or sympathised with the rioters, for the most peaceful subjects now wore blue cockades as a protection from the mob. The two Houses met under strong military protection, but, in spite of that protection, Lord Sandwich, on his way to Parliament, was torn out of his carriage, which was broken in pieces, his face was cut, and he was rescued with difficulty by the Horse-guards. An attack was made on the house of Lord North, but it was successfully defended by a party of light horse, who with drawn swords charged the mob and trampled several men under their horses' hoofs. At six in the evening a party went to the house of Justice Hyde, near Leicester Fields, which in less than half an hour was utterly wrecked; while another party, consisting of many thousands of desperate men, passed rapidly through Long Acre, and down Holborn, till they arrived at Newgate. They summoned Mr. Akerman, the keeper, to release their comrades, and on his refusal they at once besieged the gaol.

It had been lately built at an expense of 40,000*l.*, and was esteemed the strongest in England. The mob, however, were under the direction of men who well knew what they had undertaken, and they had provided themselves with sledge-hammers and pickaxes to batter down the door, and long ladders to scale the walls. For a time the great iron gate resisted their efforts, and no gunpowder appears to have been employed. But another and not less formidable means of assault was speedily discovered. The house of the chief keeper,

which adjoined the gaol, was easily broken open, and great masses of furniture were flung down through the windows, piled against the prison door, and then ignited. New combustibles were brought in from all sides, and a furious blaze was kindled, till the door was red-hot and tottering upon its hinges. In the meantime the keeper's house was set on fire, and the prison chapel caught the flames, while men, climbing on high ladders, flung burning brands through the grated orifices, and soon ignited the woodwork of the prison. The fire spread far and fast, casting its red and fluctuating glare upon the dense and savage crowd half-mad with drink and with excitement. One hundred constables endeavoured to disperse them, but the rioters closed around them and overpowered them, and flung their staves into the flames, and sentinels kept watch at every street to guard the depredators against surprise. About 300 prisoners, four of whom were under sentence of death, were confined in Newgate. They were divided between the hope of escape and the still more pressing fear of being burnt alive or smothered by the dense volumes of smoke that already rolled through the prison, and their piercing cries were clearly heard above the tumult. At length the iron door gave way beneath the heat and the repeated blows. The crowd rushed in; some climbed to the roof, and made a hole through the rafters; others penetrated through a gap made by the burning chapel. The cells were broken open, and the prisoners dragged out. All seem to have been saved except some intoxicated rioters, who sank down stupefied with drink, and perished in the fall of the burning rafters. In a short time little but blackened walls remained of the greatest prison in London, and a new contingent of desperate malefactors was added to the rioters.*

The mob had triumphed, but they did not pause in their career of crime. Parties were at once told off for

different enterprises. One party attacked the Catholics in Devonshire Street, Red Lion Square; another destroyed the house of Justice Cox, in Great Queen Street; a third broke open the new prison in Clerkenwell, and released all the prisoners; a fourth attacked and wrecked the house of Sir John Fielding, who, as the most active magistrate in London, was especially obnoxious to them; a fifth, shortly after midnight, attacked the great house of Lord Mansfield in Bloomsbury Square. Lord and Lady Mansfield had but just time to escape through the back when it was broken open, and in a few minutes the furniture was thrown out of the windows, and kindled into a blaze before the door. A collection of precious pictures, a noble law library, many priceless manuscripts from the pen of Mansfield himself, many important legal papers which were in his care, were thrown in to feed the flames. The wine cellars were broken open, and the crowd was soon mad with drink. A party of guards arrived when the ruin was almost accomplished, and, the Riot Act having been read, the magistrates ordered them to fire, and six men and a woman were killed, and several wounded; but the passions of the mob had risen too high for fear. It was remembered that Lord Mansfield possessed a country house between Highgate and Hampstead, and a party was sent to burn it; but they were anticipated and repelled by a party of horse. Eleven or twelve private houses were, however, that night in a blaze, and the conflagration mingled with the splendour of a general illumination; for the mob compelled every householder to illuminate in honour of their triumph.

Wednesday, June 7, long known in London by the name of 'Black Wednesday,' witnessed a spectacle such as London had never before seen. The long tension, the succession of sleepless nights, the complete triumph of the mob during four days, the proved incapacity of

the City authorities to keep the peace, the knowledge that the worst criminals from the gaols were at large, the threatening warnings sent out by the mob that they would destroy the Bank, the prisons, and the palaces, had utterly cowed the people. A camp was formed and cannon were drawn out in Hyde Park. The Berkshire Militia, and soon after the Northumberland Militia, arrived to reinforce the regular troops. Strong guards were stationed at the chief public buildings, at the houses of the ministers, at Devonshire House and Rockingham House, and every important dwelling was barricaded as in a siege, and guarded by armed men. But a great section of London was completely in the hands of the mob. The Lord Mayor and the City magistrates seemed paralysed with fear. Many magistrates had fled from London; the houses of the few who were really active had been plundered or burnt, and all spirit of self-reliance and resistance appeared for the moment to have been extinguished. Fanaticism had but little part in the proceedings of this day; it was outrage and plunder in their most naked forms. Richard Burke, in a letter dated from 'What was London,' gives us a vivid picture of the abject terror that was prevailing. 'This is the fourth day,' he writes, 'that the metropolis of England (once of the world) is possessed by an enraged, furious, and numerous enemy. Their outrages are beyond description, and meet with no resistance. . . . What this night will produce is known only to the Great Disposer of things. . . . If one could in decency laugh, must one not laugh to see what I saw: a single boy, of fifteen years at most, in Queen Street, mounted on a pent-house demolishing a house with great zeal, but much at his ease, and throwing the pieces to two boys still younger, who burnt them for their amusement, no one daring to obstruct them? Children are plundering at noonday the City of Lon-

don.'[1] Three boys, armed with iron bars torn up from Lord Mansfield's house, went down Holborn in the middle of the day shouting 'No Popery!' and extorting money from every shop, and they met with no opposition. Small parties of the same kind levied contributions in almost every district, no one daring to resist them, lest the mob should be called down upon their houses. One man on horseback was especially noticed who refused to take anything but gold. Dr. Johnson walked on that day to visit the ruins of Newgate, and he passed a party plundering the sessions house of Old Bailey. They consisted, as he observed, of less than 100 men, and 'they did their work at leisure, in full security, without sentinels, without trepidation, as men lawfully employed in full day.'[2]

In the afternoon the shops were shut. 'No Popery!' was chalked upon the shutters, and bits of blue silk were hung out from almost every house. Rumours of the most terrible kind were circulated through the town. It was reported that the mob had threatened to let loose the lunatics from Bedlam and the lions from the Tower; that the French had organised the whole movement in order that the destruction of London, and especially of the Bank, might produce a national bankruptcy; that the soldiers had been tampered with, and would refuse to fire on the people. The Duke of Grafton gives a curious illustration of the universality of the alarm, in the fact that even the servants of the Secretary of State wore blue cockades to conciliate the mob.

In the evening, scenes more terrible than any that had yet been witnessed took place. The King's Bench Prison, the Fleet Prison, the new Bridewell, the watch-houses in Kent Street near St. George's Church, the toll-gates on Blackfriars Bridge, and a great number of

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[1] Burke's *Correspondence*, ii. 350, 351. [2] Croker's *Boswell*, p. 648.

private houses, were simultaneously in flames. From a single point thirty-six distinct conflagrations were counted. The tall pinnacles of fire rising like volcanoes in the air, the shouts of the populace, the blaze reflected in the waters of the Thames, the shrieks of women, mingling with the crackling of the flames, with the crash of falling buildings, and, from time to time, with the sound of musketry as the troops fired in platoons into the crowd, all combined to form, in the words of an eye-witness, a perfect 'picture of a city sacked and abandoned to a ferocious enemy.' The rioters had seized large supplies of arms in the artillery grounds, and the great number of felons who were now in their ranks gave an additional desperation to the conflict. It was noticed that a brewer's boy, riding on a horse strangely decorated with chains from Newgate, led the most daring party. Under his guidance they attempted to capture and burn the Bank of England; but a strong body of soldiers, under the command of Colonel Holroyd, repelled them with the loss of many lives, and they were in like manner defeated in an attempt upon the Pay Office.

The riots were fortunately localised. The worst conflagrations were in Queen Street, Little Russell Street, Bloomsbury, and Holborn. Chains drawn across the Strand and Holborn, and protected by lines of soldiers, prevented the mob from passing westwards; but Charing Cross, the Haymarket, and Piccadilly were illuminated through fear. Strange to say, in the unmolested parts of the town the ordinary amusements still went on, and Horace Walpole notices that on this dreadful night Lady Ailesbury was at the play in the Haymarket, and that his four nieces were with the Duke of Gloucester at Ranelagh.[1] The night was for-

[1] *Letters to the Countess of Ossory*, June 7, 1780.

tunately very calm, and the sky was clear, and glowing with the reflected flames, save where dark volumes of ascending smoke from time to time overspread it. The streets in the quarters where the riot was at its height were thronged with idle spectators—many of them women with infants in their arms—gazing on the scene, and mixing with terror-stricken fugitives who were endeavouring to save some portion of their property. Spectators were, in most places, in little danger; for the rioters were busily engaged, and they might be distinctly seen by the glare of the flames pursuing their work of plunder and demolition, for the most part entirely undisturbed, in the midst of the burning houses. Wraxall went through a great part of the disturbed district on foot, without the smallest hindrance, and he noticed that as he stood with his companions by the wall of St. Andrew's churchyard, near the spot where the fiercest conflagration was raging, a watchman with a lantern in his hand passed by, calling the hour as in a time of profound tranquillity.

The resistance was confined to a few points. Some attempts were made to extinguish the flames, but they were baffled by the mob. A large engine was brought to play upon the Fleet Prison; but, in spite of the presence of soldiers the rioters cut off its pipes and flung it into the flames. At Blackfriars Bridge, when the toll-gates were plundered, the soldiers fired with considerable effect. Many rioters were killed; one man was noticed to run thirty or forty yards, when pierced by a bullet, before he dropped dead; and several, when dead or dying, are said to have been thrown by their comrades into the Thames. Others were killed in the attack on the King's Bench Prison; but the greater number fell in the unsuccessful attacks on the Bank and on the Pay Office. The most terrible scene, however, took place near the decline of Holborn Hill, in

front of St. Andrew's Church, where the buildings of a great Catholic distiller, named Langdale, were attacked and burnt. Immense casks of unrectified spirits, still wholly unfit for human consumption, were staved in, and the spirits flowed in great streams along the road, while men, women, and children gathered it up in pails or lapped it with their hands. Such a scene of drunken madness had perhaps never before been exhibited in England. Numbers, both of men and women, killed themselves by drinking the poisonous draught. Women with infants in their arms were seen lying insensible along the road. Soon the fire reached the spirits, and it leapt forth, with a tenfold fury, in the midst of the reeling and dizzy crowd who were plundering the house. Numbers fell into the burning ruins, or into the midst of the liquid fire. Eight or nine wretched creatures were dragged out when half-burnt, but most of those who fell perished by one of the most horrible of deaths.

The night of June 7 was the end of all that was serious in the Gordon riots. The defeat of the attacks upon the Bank and the Pay Office, and the terrible scene on Holborn Hill, had broken the spirits and power of the rioters, while the introduction into London of large bodies of regular troops and of militia had made further resistance impossible. In addition to the permanent debility and indeed impotence of the London police force, and to the incompetence of the Lord Mayor and of several of the City magistrates, other causes combined to paralyse the civil power. The military forces at the disposal of the Crown were diminished by the exigencies of the great war which was raging in America. The ministry of Lord North was already tottering to its fall, and its weakness enfeebled every branch of the Executive, while the recollection of the furious outbursts of popular indignation which had been aroused against those who employed soldiers in suppressing the Wilkes

riots in 1769 made both magistrates and ministers extremely timid.[1] As Lord Mansfield once said with profound truth, 'It is the highest humanity to check the infancy of tumults,' and a well-directed volley on the first day of the riots, though it would have exposed the Government to much foolish declamation, would probably have prevented all the horrible scenes that ensued. It is a curious fact that Wilkes, who had been the instigator or the pretext of the last great riots in London, took, as alderman, a distinguished and courageous part in suppressing the Gordon riots, in defending the Bank, and in protecting the Catholics, and he received the special thanks of the Privy Council for his services.

No one, however, in this trying period appeared in a more honourable light than the King. The calm courage which he never failed to show, and his extreme tenacity of purpose, which in civil affairs often proved very mischievous, were in the moments of crisis peculiarly valuable. Many lives and a vast amount of property had been sacrificed because no officer dared to allow his soldiers to fire except by the direction of a magistrate, and after the Riot Act had been read, and a whole hour had elapsed. Such an interpretation of the law made the display of soldiers in the midst of burning houses and in the agonies of a great struggle little more than a mockery, and the King strongly contested it. On the 7th he called of his own accord a meeting of the Privy Council, and obtained from Wedderburn, the Attorney-General, an opinion that, if a mob were committing a felony, such

[1] In 1776—four years before the Gordon riots—Dr. Johnson had said: 'The characteristic of our own Government at present is imbecility. The magistrates dare not call the Guards for fear of being hanged. The Guards will not come for fear of being given up to the blind rage of popular juries.'—Croker's *Boswell*, p. 509.

as burning down a house, and could not be prevented by any other means, the military might and ought to fire on them at once, and that the reading of the Riot Act under such circumstances was wholly unnecessary. Much hesitation appears to have been shown in the Council, but the King, declaring that at least one magistrate would do his duty, announced his intention of acting on his own responsibility, on the opinion of Wedderburn, and his readiness, if any difficulty were shown, to lead his guards in person. The Council at length agreed with the opinion, and a discretionary power was given to the soldiers, which, though it was much complained of by some constitutional pedants, was manifestly necessary, and was the chief means of suppressing the riots.[1]

In the course of the four days during which the riots were at their height no less than seventy-two private houses and four gaols were destroyed.[2] Of the number of the rioters who were killed it is impossible to speak with accuracy. No account was made of those who died of drink, who perished in the ruins or in the burning spirits, who were thrown into the Thames, or who were carried away when wounded and concealed in their own homes. Excluding these, it appears from a report issued by Amherst shortly after the suppression of the riots, that 285 had been killed or had died of their wounds, and that 173 wounded prisoners were still in his hands. In the opinion of the most competent judges the whole city had been in imminent danger of destruction, and owed its escape mainly to the fact that the mob at the time when it would have been impossible to have resisted them, wasted their strength upon chapels and private buildings, instead of at once attacking the

[1] See Campbell's *Chancellors*, viii. 41–43. Jesse's *Memoirs of Geo. III.* ii. 276–279.

[2] See Lord Loughborough's Charge, *Ann. Reg.* 1780, p. 281.

Bank and the public offices, and also to the happy accident that on the night of the 7th there was scarcely a breath of wind to spread the flames. 135 prisoners were soon after brought to trial, and 59 were capitally convicted, of whom 21 were executed. Lord George Gordon was thrown into the Tower, and was tried before Lord Mansfield on the charge of high treason for levying war upon the Crown. The charge was what is termed by lawyers 'constructive treason.' It rested upon the assertion that the agitation which he had created and led was the originating cause of the outrages that had taken place. As there was no evidence that Lord George Gordon had anticipated these outrages, as he had taken no part in them, and had even offered his services to the Government to assist in their suppression, the accusation was one which, if it had been maintained, would have had consequences very dangerous to public liberty. After one of the greatest speeches of Erskine, Lord George Gordon was acquitted, and he still retained such a hold over large classes that thanksgivings were publicly offered up in several churches and chapels. He was many years after thrown into prison for a libel upon Marie Antoinette, and he died in Newgate in 1793. Before the close of his life he startled his theological admirers by his conversion to Judaism.[1]

[1] The three most detailed contemporary accounts of these riots are: the *Narrative of the late Disturbances in London and Westminster*, by William Vincent, of Gray's Inn (the real writer of this, which is the fullest account of the riots, was Thomas Holcroft); the *Annual Register* of 1780, which also contains reports of the trials of the chief rioters; and an anonymous *Narrative of the Proceedings of Lord George Gordon and the Persons assembled under the Denomination of the Protestant Association* (London, 1780). The poet Crabbe witnessed some of the scenes, and especially the capture of Newgate, and he describes them in a letter in his biography, which is unfortunately imperfect. Horace Walpole and Wraxall were both witnesses of the scenes on Black

In the House of Commons a series of resolutions were introduced by Burke with the concurrence of the Government, vindicating the recent Relief Bill, and condemning the misrepresentations which had led to the tumults. An attempt was made to allay the fears of the more fanatical Protestants by a Bill introduced by Sir George Savile forbidding Catholics from taking any part in the education of Protestants; but though it passed the Commons, it miscarried in the Lords.

The riots of 1780 do not properly belong to the period of time with which the present chapter is occupied; but it is the plan of this book to prefer the order of subjects to the order of chronology, and these disturbances were the immediate consequence of the religious legislation under Lord North. Making every allowance for the amount of ordinary crime which entered into them, and considering how slight was the provocation that produced them, they display a depth and intensity of fanaticism we should scarcely have expected in the eighteenth century; and similar disturbances, though on a much smaller scale, took place at Hull, Bristol, and Bath. The disgrace was keenly felt both at home and abroad.[1] Secret negotiations for peace were at this time going on with Spain, and it was noticed that the reports of the riots in London greatly interfered with them, for the no-Popery fanaticism in London irritated the public opinion of Spain, while the success of the rioters was thought clearly to

Wednesday. The first has described them very fully in his letters to Lord Strafford and to the Countess of Ossory; and the second in his *Memoirs*. See also a letter from Dr. Warner in Jesse's *Life of Selwyn*, iv. 327-335, and the interesting journal of the Moravian, James Hutton.—Benham's *Life of Hutton*, pp. 530-536. I need scarcely refer to the admirable narrative of Dickens, in *Barnaby Rudge*, based upon Holcroft, Walpole, and the *Annual Register*.

[1] See e.g. the two well-known poems of Cowper on the burning of Lord Mansfield's library.

prove the weakness of the Government.[1] 'Our danger,' wrote Gibbon shortly after the suppression, 'is at an end, but our disgrace will be lasting, and the month of June 1780 will ever be marked by a dark and diabolical fanaticism which I had supposed to be extinct.'[2] To a writer of the nineteenth century, however, the lesson to be derived from the narrative is not altogether a gloomy one. Whatever judgment may be formed in other respects in the old controversy between those who regard the history of modern England as a history of unqualified progress, and those who regard it in its most essential features as a history of decay, there is at least one fact which no serious student of the eighteenth century will dispute. It is, that the immense changes which have taken place in the past century in the enlargement of personal and political liberty, and in the mitigation of the penal code, have been accompanied by an at least equal progress in the maintenance of public order and in the security of private property in England.

The Government of Lord North during the period preceding the great outbreak of the American war was almost wholly occupied with domestic, Indian, and colo-

[1] See Cumberland's *Memoirs*, ii. 35, 36, 48.

[2] *Miscellaneous Works*, ii. 241. 'Rien,' wrote Madame du Deffand, 'n'est plus affreux que tout ce qui arrive chez vous. Votre liberté ne me séduit point. Cette liberté tant vantée me paraît bien plus onéreuse que notre esclavage.'—Walpole's *Letters*, vi. 88. In one of the letters of Maria Theresa to Marie Antoinette (June 30, 1780) she speaks with great dislike of a contemplated visit of the Emperor to England: 'Surtout après la terrible émeute, inouïe entre les puissances civilisées qui vient de se passer. Voilà cette liberté tant prônée—cette législation unique. Sans religion, sans mœurs, rien ne se soutient.'—Arneth, *Correspondance secrète de Marie-Thérèse et Marie-Antoinette*, iii. 444. Hillsborough, in a private letter to Buckinghamshire, the Lord Lieutenant of Ireland, speaks of 'the dreadful and unaccountable insurrection which for four days together has made such devastation in this town, and threatened not less than a total destruction of it.'—June 10, 1780. MSS. Record Office.

nial questions, and neither exercised nor aspired to exercise any considerable influence on the affairs of other nations. The Revolution, which in 1772 changed the Constitution of Sweden, breaking the power of the aristocracy and aggrandising that of the Crown, was effected, in a great measure, under French instigation, and England had no voice in the infamous treaty which in the same year sanctioned the first partition of Poland, or in the treaty of Kainardji in 1774, by which Russia made the Crimea a separate khanate, and greatly extended both her own frontier and her influence in Turkey.

In 1772 the Government had to contend with a keen commercial crisis and a period of acute and general distress. In many parts of England there were desperate food riots. Several banks broke, and a widespread panic prevailed.[1] But in Parliament the Government continued for some years invincibly strong, and its Indian policy and the earlier parts of its American policy appear to have been generally regarded either with approval or with indifference. In 1774 Parliament was dissolved shortly before the natural period of its existence had expired; and the American measures of the Government, if they had been seriously unpopular in the constituencies, would certainly have affected the elections. The election, however, fully confirmed the ministerial majority.[2] In the first im-

[1] Walpole's *Last Journals*, i. 88, 122, 128. *Ann. Reg.* 1772, 90, 91, 109, 110.

[2] Lord Russell thinks that 'the abrupt dissolution prevented any influence being exercised by American affairs on the temper of the elections,' and he quotes a speech of Lord Suffolk, who said he advised the dissolution, foreseeing that if it were delayed the Americans would take steps 'to influence the general election by creating jealousies, fears, and prejudices among the mercantile and trading part of the nation.'—Russell's *Life of Fox*, i. 70, 71. According to Walpole, one reason of the premature dissolution was, that 'the advices from America, though industriously concealed, were so bad

portant party division on an American question that followed the dissolution the ministers counted 264 votes to 73.[1] The Reform spirit appeared to have almost died away. Grenville's Act for the trial of disputed elections was, it is true, renewed and made perpetual in 1774, in spite of the opposition of Lord North; but different motions for shortening the duration of Parliament, and for making its constitution more popular, were rejected without difficulty, and appear to have excited no interest. The city of Westminster supported the ministers, and the democratic fervour of the City of London had greatly subsided. Wilkes found rivals and bitter enemies in Horne and Townshend; but at last, after two disappointments, he became Lord Mayor of London in 1774, and in the election of the same year he without opposition regained his seat as member for Middlesex. He made some good speeches against the policy of the Government in America, but his position in Parliament was never a distinguished one, and he soon abandoned the character and the practices of an agitator.

All the measures of American coercion that preceded the Declaration of Independence were carried by enormous majorities in Parliament. The Act for closing Boston harbour passed its chief stages without even a division. The Act for subverting the charter of Massachusetts was finally carried in the House of Commons by 239 to 64, in the House of Lords by 92 to 20. The Act for enabling the Governor of Massachusetts to send colonists accused on capital

that great clamour was feared from the American merchants and trading towns.'—*Last Journals*, i. 399. At the same time the American Coercion Acts were among the most conspicuous measures of the Government in the late Parliament, and they must necessarily have had a considerable part in determining the votes of the electors.

[1] Walpole's *Last Journals*, i 436.

charges to be tried in England, was ultimately carried in the Commons by 127 to 24, in the Lords by 43 to 12. The motion for repealing the tea duty, which was supported by one of the greatest speeches of Burke, was rejected by 182 to 49. In February 1775 the address moved by Lord North, pledging Parliament to support the Government in crushing the resistance in America, was carried by 296 to 106, and an amendment of Fox, censuring the American policy of the ministers, was rejected by 304 to 105. In March the conciliatory propositions of Burke were defeated by the previous question, which was carried by 270 to 78. In May the very respectful remonstrance of the General Assembly of New York, which was one of the last efforts of conciliation by the moderate party in America, was censured by the House of Commons as 'inconsistent with the legislative authority of Parliament,' by 186 to 67. The Duke of Grafton had urged in the Cabinet the repeal of the tea duty, but had been outvoted. He still remained for some time in the ministry, trying in vain to modify its policy in the direction of conciliation. In August 1775 he wrote a strong remonstrance to Lord North on the subject. Seven weeks later he resigned the Privy Seal and went into opposition, declaring in Parliament that he had hitherto 'concurred when he could not approve, from a hope that in proportion to the strength of the Government would be the probability of amicable adjustment,' and recommending the repeal of all Acts relating to America which had been carried since 1763. But although Grafton had very lately been Prime Minister of England, he did not, according to Walpole, carry six votes with him in his secession.[1] The resignation of Conway,

[1] Walpole's *Last Journals*, iii. 3. Donne's *Correspondence of George III.* i. 281, 282. Thackeray's *Chatham*, ii. 307, 308.

which immediately followed, proved even less important. Dartmouth, who had hitherto directed American affairs, obtained the Privy Seal, and he was replaced by Lord George Germaine, better known under the name of Lord George Sackville, who had never overcome the stigma which his conduct at Minden had left upon his reputation, but who was an able administrator, and a still more able debater. He speedily infused a new energy into the direction of American affairs, and the enlistment of the German troops appears to have been principally due to him. The Opposition in the beginning of 1776 was almost contemptible in numbers, and at the same time divided and discredited. The Duke of Richmond in one House, and Burke in the other, were the steadiest and most powerful opponents of the American policy of the Government, and they had been recently joined by Charles Fox, who had been dismissed from the ministry in February 1774, and had at once thrown himself with a passionate vehemence into opposition.

His secession, like most acts of his early life, was very discreditable in its circumstances. A libel on the Speaker, written by Horne, had been brought under the notice of the House of Commons. Lord North, with his usual moderation, would gladly have suffered the matter to drop; but one of the members insisted on Woodfall, the printer, appearing before the House, and it was moved, upon his apology, that he should be committed to the Sergeant-at-Arms. North, after some hesitation, agreed to this course; but Charles Fox, who was at this time a Commissioner of the Treasury, in opposition to the known wishes of his chief moved that Woodfall should be committed to Newgate, declared that he selected this gaol in defiance of the City and Sheriffs, in whose jurisdiction it lay, and insisted on carrying his motion to a division. Lord North, per-

plexed, irresolute, and embarrassed by a previous speech in which he had leaned towards severity, voted with his turbulent subordinate; but most of the ministerial party were on the other side, and the motion of Fox was rejected by 152 to 68. Such an act of glaring insubordination could not be passed over. The King wrote next day, with much indignation, 'I am greatly incensed at the presumption of Charles Fox in obliging you to vote with him last night, but approve much of your making your friends vote in the majority; indeed, that young man has so thoroughly cast off every principle of common honour and honesty that he must become as contemptible as he is odious, and I hope you will let him know that you are not insensible of his conduct towards you.'[1] About ten days later Lord North curtly dismissed Fox, who thus, at the age of twenty-five, was finally severed from the Tories.

He did not for some years formally attach himself to any section of the Whigs;[2] but he passed at once from an extreme Tory into virulent and unqualified opposition to his former chief, and he was conspicuous beyond all other speakers for his attacks upon the American policy of the Government. It must be acknowledged, however, that he never appears when in office to have taken any active part in defending the American policy of the Government, that this policy only attained its full distinctness and prominence after his dismissal, and that his father had from the first disapproved of the taxation of America.[3] From an early period of his life, Fox seems to have had some intimacy with Burke,[4] and the conversation of that extraordinary man profoundly influenced his opinions. The sincerity of his opposition to the American war

[1] *Correspondence of George III. and Lord North*, i. 170.
[2] See *Correspondence of Fox*, i. 223.
[3] Ibid. i. 122, 123. [4] Ibid. p. 26.

never appears to have been seriously questioned, and it is confirmed by the great sacrifices of popularity he made in the cause, and by the strong internal evidence of his speeches and letters. The circumstances of his secession, his extreme youth, and the extravagant dissipation in which he at this time indulged,[1] deprived him of all the weight that attaches to character; but his extraordinary debating skill developed rapidly in opposition, and Grattan, who had heard him speak in many periods of his career, considered his speeches during the American war the most brilliant he ever delivered.[2]

The division of opinion in the country upon the American question was probably much more equal than in Parliament, and it is also much more difficult to estimate with accuracy; but it appears to me evident that in 1775 and in 1776 the preponderating opinion, or at least the opinion of the most powerful and most intelligent classes in the community, on American questions was with the King and with his ministers. In February 1775, Lord Camden wrote, 'I am grieved to observe that the landed interest is almost altogether anti-American, though the common people hold the war in abhorrence, and the merchants and tradesmen, for obvious reasons, are likewise against it.'[3] The Established Church was strenuously anti-American, and the Bishops voted steadily for the measures of coercion.[4] The two Universities presented addresses on the same side, and the addresses from the great towns in favour of the

[1] Walpole's *Last Journals*, ii. 4.

[2] *Correspondence of Fox*, i. 298.

[3] Chatham's *Correspondence*, iv. 401.

[4] As Franklin wrote: 'Sixteen Scotch peers and twenty-four bishops, with all the Lords in possession or expectation of places, when they vote together unanimously, as they generally do for ministerial measures, make a dead majority that renders all debating ridiculous.'—Franklin's *Works*, v. 46.

Government were both more numerous and more largely signed than those which opposed it. Manchester, which was still, as in 1745, a great centre of English Toryism, led the way;[1] while on the other hand, 'the majority of the inhabitants of the great trading cities of London and Bristol still wished and struggled to have matters restored to their ancient state.'[2] It was said, however, with some truth, that the opposition of the merchants was mainly an opposition of interest, and the opposition of the City an opposition of faction, and it was acknowledged by the warmest advocates of the Americans that the trading classes on this question were greatly divided, and the bulk of them exceedingly languid in their opposition. The cessation of the Turkish war and of the troubles in Poland had revived trade, and the loss of American commerce was not yet sensibly felt, while the supply of the army in America and the equipment of new ships of war had given a sudden stimulus to the transport trade and to many branches of English industry.[3] The stress of legal opinion in every stage of the controversy appears to have been hostile to the Americans, and, in 1776, Horace Walpole emphatically declared that 'the Court have now at their devotion the three great bodies of the clergy, army, and law.'[4] The general English opinion, which at the time of the repeal of the Stamp Act had been very favourable to the colonists, appears to have turned. There was a strong feeling of indignation at the recent proceedings in

[1] See a valuable note by Mr. Donne in the *Correspondence of George III. and Lord North*, i. 267–271.

[2] See the very remarkable and impartial analysis of English opinion (very probably written by Burke) in the *Annual Register*, 1776, pp. 38, 39.

[3] Ibid. p. 38. See, too, on the apathy of the trading classes at this time, Walpole's *Last Journals*, ii. 6; Burke's *Correspondence*, ii. 50; *Correspondence of George III. and Lord North*, i. 235, 236, 272, 273.

[4] Walpole's *Last Journals*, ii. 90, 91.

America; a general belief that, as a matter of patriotism, Government ought now to be supported, even though some of its past acts had been culpable; a widespread anticipation that by a little decision all resistance might be overcome, that the civil war might still be averted, or that at least it might be terminated in a single campaign.

The great strength of the Opposition lay in the Nonconformist bodies, who were in general earnestly and steadily in favour of the Americans. The 'Essay on Liberty,' by Dr. Price, which was published in 1775, was a powerful defence of their cause, and it identified it very skilfully with the cause of constitutional liberty and of parliamentary reform at home. In two years it passed through eight editions, and in the judgment of Walpole it was 'the first publication on that side that made any impression.'[1] But though the majority of the old Dissenters were staunch supporters of the Americans, even in their ranks there was some languor and division,[2] while a large section of the Methodists, as we have already seen, took the other side. The tract of John Wesley against the American pretensions had an enormous circulation. Lord Dartmouth was one of the most conspicuous laymen in the Evangelical religious world; and Cowper, the great poet of the movement, believed that the King would be committing a sin if he acknowledged the independence of America. Literary opinion was, on the whole, anti-American. The views of Junius, of Adam Smith, and of Dean Tucker have been already given. Dr. Johnson was a leading pamph-

[1] *Last Journals*, ii. 22, 23.

[2] Walpole in one place even asserts that the Presbyterians and other Dissenters in England 'were entirely passive,' being bribed or sold by their leaders, though those in Ireland were active on the American side' (ibid. 84, 85); and in another place he says, the Dissenters, though on the whole American, 'were yet kept quiet by pensions to their chiefs.'—Ibid. pp. 323, 324.

leteer in support of the Government. Gibbon in Parliament steadily supported Lord North, and Robertson, though somewhat timidly, leaned to the same side. Hume, however, though in most of his sympathies a decided Tory, was one of the very few men who as early as 1775 agreed cordially with Burke that the attempt to coerce America could lead to nothing but disaster and ruin.[1]

The confidential letters of Burke throw much valuable light on the condition of English opinion on the American question, and they are full of bitter complaints of the languor or alienation even of the natural supporters of the Whig party. In January 1775, describing the failure of his friends to arrest the American measures of the ministry, he says: 'The mercantile interest, which ought to have supported with efficacy and power the opposition to the fatal cause of all this mischief, was pleaded against us, and we were obliged to stoop under the accumulated weight of all the interests in this kingdom. I never remember the opposition so totally abandoned as on that occasion.'[2] In the August of the same year, he writes with great bitterness to Rockingham: 'As to the good people of England, they seem to partake every day more and more of the character of that Administration which they have been induced to tolerate. I am satisfied that within a few years there has been a great change in the national character. We seem no longer that eager, inquisitive, jealous, fiery people which we have been formerly. . . . No man commends the measures which have been pursued, or expects any good from those which are in preparation, but it is a cold, languid

[1] See Donne's notes to the *Correspondence of George III. and Lord North*, i. 279, 280, ii. 401.
[2] Burke's *Correspondence*, ii. 2.

opinion, like what men discover in affairs that do not concern them. . . . The merchants are gone from us and from themselves. . . . The leading men among them are kept full fed with contracts and remittances and jobs of all descriptions, and are indefatigable in their endeavours to keep the others quiet. . . . They all, or the greatest number of them, begin to snuff the cadaverous *haut goût* of lucrative war. War is indeed become a sort of substitute for commerce. The freighting business never was so lively, on account of the prodigious taking up for transport service. Great orders for provisions and stores of all kinds . . . keep up the spirits of the mercantile world, and induce them to consider the American war not so much their calamity as their resource in an inevitable distress.'[1] 'The real fact,' he wrote a month later, 'is that the generality of the people of England are now led away by the misrepresentations and arts of the Ministry, the Court and their abettors, so that the violent measures towards America are fairly adopted and countenanced by a majority of individuals of all ranks, professions, or occupations in this country,' and he complains that the Opposition were compelled 'to face a torrent not merely of ministerial and Court power, but also of almost general opinion.'[2]

The party in England, however, that favoured the Americans, though it could not shatter the Government, was quite sufficiently strong to encourage the colonists, and many of its members threw themselves into their cause with the most passionate ardour. It is easy to imagine the effect that must have been produced on the excited minds beyond the Atlantic by the language of Chatham in his great speech in January 1775. 'The spirit which resists your taxation in America,' he said,

[1] Burke's *Correspondence*, ii. 48-50.

[2] Ibid. pp. 68, 69.

'is the same that formerly opposed loans, benevolences, and ship-money in England. . . . This glorious spirit of Whiggism animates three millions in America who prefer poverty with liberty to gilded chains and sordid affluence, and who will die in defence of their rights as freemen. . . . For myself, I must declare that in all my reading and observation—and history has been my favourite study: I have read Thucydides, and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion under such a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia. . . . All attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal. We shall be forced ultimately to retract. Let us retract while we can, not when we must.'

In accordance with these sentiments Chatham withdrew his eldest son from the army rather than suffer him to be engaged in the war.[1] Lord Effingham for the same reason threw up his commission, and Amherst is said to have refused the command against the Americans.[2] In 1776 the question was openly debated in Parliament whether British officers ought to serve their sovereign against the Americans, and no less a person than General Conway leaned decidedly to the negative, and compared the case to that of French officers who were employed in the Massacre of St. Bartholomew.[3] The Duke of Richmond, after

[1] *Chatham Correspondence*, iv. 420.

[2] Walpole's *Last Journals*, i. 459.

[3] *Parl. Hist.* xviii. 998. Cartwright, who in the next generation became so prominent as a parliamentary reformer, refused a naval appointment at this time because it would imply service against the Americans. *Life and Correspondence of Major Cartwright*, i. 75, 81.

the battle of Bunker's Hill, declared in Parliament that 'he did not think that the Americans were in rebellion, but that they were resisting acts of the most unexampled cruelty and oppression.'[1] The Corporation of London in 1775 drew up an address strongly approving of their resistance,[2] and the addresses of several other towns expressed similar views. A great meeting in London, and also the guild of merchants in Dublin, returned thanks to Lord Effingham for his recent conduct, and in 1776 the freedom of the City was conferred on Dr. Price, on account of his defence of the Americans.[3] An English subscription—though a very small one—was raised for the relief of the Americans who were wounded at Lexington, and for the relatives of those who had been killed,[4] and in 1777 Horne was sentenced to a year's imprisonment and to a fine of 200*l.* for publishing an advertisement of the Constitutional Society, accusing the English troops in that battle of murder.[5] When Montgomery fell at the head of the American troops in the invasion of Canada, he was eulogised in the British Parliament as if he had been the most devoted servant of the Crown.[6]

With scarcely an exception the whole political representation of Scotland in both Houses of Parliament supported Lord North, and was bitterly hostile to the Americans. Scotland, however, is one of the very few instances in history, of a nation whose political representation was so grossly defective as not merely to distort but absolutely to conceal its opinions. It was habitually looked upon as the most servile and corrupt portion of the British Empire; and the eminent libe-

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[1] *Parl. Hist.* xviii. 1076.

[2] Adolphus, ii. 253. *Annual Reg.* 1776, p. 41.

[3] *Annual Register*, 1776, pp. 41–43, 126. Walpole's *Last Journals*, i. 502, 503, ii. 23.

[4] Franklin's *Life*, p. 401.

[5] *Annual Register*, 1777, p. 211.

[6] Ibid. 1776, p. 15. Fox's *Correspondence*, i. 142. Adolphus, ii. 241.

ralism and the very superior political qualities of its people seem to have been scarcely suspected to the very eve of the Reform Bill of 1832. That something of that liberalism existed at the outbreak of the American war, may, I think, be inferred from the very significant fact that the Government were unable to obtain addresses in their favour either from Edinburgh or Glasgow.[1] The country, however, was judged mainly by its representatives, and it was regarded as far more hostile to the American cause than either England or Ireland. A very able observer, when complaining of the apathy and lassitude with which the American policy of the Government was generally regarded, adds, 'We must except from all these observations the people of North Britain, who almost to a man, so far as they could be described or distinguished under any particular denomination, not only applauded, but proffered life and fortune in support of the present measures.'[2]

'In Ireland,' says the same writer, 'though those in office and the principal nobility and gentry declared against America, by far the majority of the Protestant inhabitants there, who are strenuous and declared Whigs, strongly leaned to the cause of the colonies.'[3] 'There are three million Whigs in America,' said Chat-

[1] *Correspondence of Geo. III.* i. 269.

[2] *Annual Register*, 1776, p. 39. The same character seems to have extended to the Scotch in America. 'The Irish in America,' it was said, 'with a few exceptions were attached to independence. . . . The Scotch, on the other hand, though they had formerly sacrificed much to liberty in their own country, were generally disposed to support the claims of Great Britain.'—Ramsay's *History of the American Revolution*, ii. 311. Ramsay adds, however, that the 'army and the Congress ranked among their best officers and most valuable members some individuals of that nation.'—Ibid. Adams notices the strong opposition of the Scotch, who were settled in Virginia, to the measures taken by the Congress in 1775.—Adams' Diary, *Works*, ii. 431.

[3] *Annual Register*, 1776, p. 39.

ham, in 1775, 'and all Ireland is Whig, and many in England.'[1] Protestant Ireland was indeed far more earnestly enlisted on the side of the Americans than any other portion of the Empire. Emigrants from Ulster formed a great part of the American army, and the constitutional question of the independence of the Irish Parliament was closely connected with the American question. The movement of opinion, however, was confined to the Protestants. The Catholic gentry, on this as on all other occasions of national danger, presented addresses to the King attesting in strong terms their loyalty, but the mass of the Catholic population were politically dead, and can hardly be said to have contributed anything to the public opinion of the country.

One remarkable fact, however, was noticed both in England and Ireland. There was a complete absence of alacrity and enthusiasm in enlisting for the army and navy.[2] This was one of the chief reasons why Germans were so largely enlisted, and it is the more remarkable because Irish Catholics were now freely admitted into the service. For a long time the system of enrolling soldiers, and still more the system of enrolling sailors, had excited much discontent, and the legality of press-gangs had very lately been brought into question. The impressing for the navy rested rather on immemorial custom than on positive law, and it was pronounced by lawyers to be a part of the common law.[3] The impressing for the army was more rarely resorted to, but a statute of Anne authorised magistrates within their specified limits to impress for the army such able-bodied men as did not follow any lawful calling and had not some other support, and several subsequent Acts continued the system for limited

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[1] Walpole's *Last Journals*, i. 446. Thackeray's *Chatham*, ii. 286.

[2] See *Annual Register*, 1776 p. 39.

[3] Blackstone, book i. c. xiii.

periods. A special clause exempted such as had votes for members of Parliament from liability to impressment.[1] In 1757, a gentleman of property having been pressed and confined in the Savoy, his friends applied for an immediate writ of Habeas Corpus, under the well-known Act of Charles II. The question was not determined, as the gentleman was released by order of the Secretary of War; but the judges who were consulted all pronounced that this Act only applied to those who had committed or were accused of committing a criminal offence, and that a man accused of no crime could not claim its protection. A Bill was introduced in the beginning of 1758 to remedy this strange anomaly, but it was thrown out by the instrumentality of Lord Hardwicke,[2] and this extension of the Habeas Corpus Act was only granted in 1816.[3]

The enormous cruelty and injustice of the impressment for the navy, as it was actually carried on, can hardly be exaggerated, and it seemed doubly extraordinary in a country which was so proud of its freedom. 'Impressment,' as has been truly said, 'is the arbitrary and capricious seizure of individuals from the general body of citizens. It differs from conscription as a particular confiscation differs from a general tax.'[4] Voltaire was much struck with this feature of English life, and he drew a vivid picture of a boatman on the Thames boasting to him one day of the glories of English freedom and declaring that he would sooner be a sailor in England than an archbishop in France, the next day with irons on his feet, begging money through the

[1] 2 & 3 Anne, c. 19. *Parl. Hist.* xv. 875; Clode's *Military Forces of the Crown*, ii. 15–19. The last Act for impressment for the army appears to have expired in 1780.

[2] *Parl. Hist.* xv. 875–923.

[3] 56 Geo. III. c. 100.

[4] May's *Const. History of England.* Hume, in his Essay 'On some remarkable Customs,' called attention to the great anomaly of impressment in a free country.

gratings of the prison into which he had been thrown without the imputation of any crime, and where he must remain till the ship was ready which was to carry him to the Baltic. In a system so violent and so arbitrary, all kinds of abuses were practised. As we have already seen, the press-gang was often employed to drag Methodist preachers from a work which the magistrates disliked. It was sometimes employed to avenge private grudges. It was thus that Fielding represents Lord Fellamar endeavouring to get rid of his rival by employing a lieutenant to press him. On one occasion in 1770 a marriage ceremony in St. Olave's, Southwark, was interrupted by a press-gang, who burst into the church, struck the clergyman, and tried to carry away the bridegroom.[1] As merchant ships came in from America, and the sailors looked forward, after their long voyage, to see once more their wives and children, a danger more terrible than that of the sea awaited them, for it was a common thing for ships of war to lie in wait for the returning vessels, in order to board them and to press their sailors before they landed.[2] Often the press-gang went down to some great sea-port and boarded all the merchant ships lying at anchor, in order to collect sailors for the royal navy.[3]

They were sometimes fiercely resisted. On one occasion in 1770, 110 impressed seamen who were being carried down the Thames in a tender, broke open the hatches, overpowered the officers and crew, ran the tender aground on the coast of Essex, and thus succeeded in escaping.[4] On another, when the sailors of a merchant vessel, which was lying off Gravesend, saw the boat of a ship-of-war approaching, they seized all

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[1] *Annual Register*, 1770, p. 161.

[2] See the *Life of Bampfylde Moore Carew* (1749), pp. 128–130.

[3] *Annual Register*, 1770, p. 147.

[4] Ibid.

the arms on board and drove off their assailants with a loss of one man killed and of several dangerously wounded.[1] In 1779 a man was hanged at Stafford for killing one of those who were endeavouring to press him, and a party of sailors were tried at Ipswich for the murder of a publican in whose house they were impressing sailors, but were acquitted on account of the impossibility of ascertaining who struck the blow.[2]

Of the vast sum of private misery produced by the system it is difficult to form an adequate estimate. One case—which was probably but one of many—happened to attract considerable attention on account of its being mentioned in Parliament by Sir William Meredith, in 1777. A sailor had been taken in the press that followed the alarm about the Falkland Islands, and carried away, leaving a wife who was then not nineteen, with two infant children. The breadwinner being gone, his goods were seized for an old debt, and his wife was driven into the streets to beg. At last, in despair she stole a piece of coarse linen from a linendraper's shop. Her defence, which was fully corroborated, was that 'she had lived in credit and wanted for nothing till a press-gang came and stole her husband from her, but since then she had no bed to lie on, nothing to give her children to eat, and they were almost naked. She might have done something wrong, for she hardly knew what she did.' The lawyers declared that shop-lifting being a common offence, she must be executed, and she was driven to Tyburn with a child still suckling at her breast.[3]

Even worse than the authorised system was the illicit pressing for the East India Company. Great numbers of young men were inveigled or kidnapped by

[1] *Annual Register*, 1770, p. 149. [2] Ibid. 1779, pp. 204, 215, 216.
[3] *Parl. Hist.* xix. 238.

crimps in its service, confined often for long periods, and with circumstances of the most aggravated cruelty, in secret depôts which existed in the heart of London, and at last, in the dead of night, shipped for Hindostan. Several cases of this kind were detected in the latter part of the eighteenth century by the escape of prisoners, and it was evident that the system was practised on a large scale.[1]

The regular press-gang was not confined to England, and it formed one of the gravest and most justifiable grievances of the American colonists. As early as 1747, one of the most terrible riots ever known in New England was produced by the seizure of some Boston sailors by the press-gang of Admiral Knowles. An English vessel was burnt. English officers were seized and imprisoned by the crowd. The Governor was obliged to take refuge in the Castle. The sub-sheriff was impounded in the stocks, the militia refused to act against the people, and the Admiral was ultimately obliged to release his captives.[2] A similar resistance was shown to many subsequent attempts to impress in New England,[3] and one of the first and ablest writers against the system was Benjamin Franklin. In England a great opposition was raised in the City of London in 1770 and 1771, at the time of the great press for seamen which was made when a war with Spain about the Falkland Islands appeared imminent. Press warrants in the City were only legal when backed by an alderman, and Crosby the Lord Mayor, and most of

[1] See several instances of the kind in Andrews' *XVIII. Cent.* p. 209-212. Phillimore's *Hist. of Geo. III.* pp. 60, 61. *Annual Register*, 1767, p. 82.

[2] Grahame's *History of the United States*, iii. 295-300.

[3] Arnold's *Hist. of New England*, ii. 255, 256. See, too, on the pressing in New England, the very curious *Journal* of Thomas Chalkley from 1697 to 1741 (ed. 1850), pp. 313, 314, and Hutchinson's *Hist. of Massachusetts Bay*, p. 231.

the aldermen refused to back them. Wilkes and Sawbridge, in their capacity of aldermen, dismissed some men who had been pressed in the City. A press-gang, which was beating a drum through the City, was brought before the Lord Mayor and reprimanded; and at a great meeting in Westminster Hall, at which both Wilkes and Sawbridge spoke, impressment was denounced as a violation of the Constitution.[1] The agitation, however, did not spread. The attempts which had been made more than once since the Revolution to make impressing unnecessary, by a system of additional bounties and pensions, and by the formation of a reserve,[2] had not succeeded, and it is remarkable that the legality and absolute necessity of impressment were at this time strongly asserted by three such different authorities as Chatham, Mansfield, and Junius.[3]

In the great difficulty of obtaining voluntary recruits for the American war, the press for sailors was very largely resorted to, and in 1776 it was especially fierce. In less than a month 800 men were seized in London alone, and several lives were lost in the scuffles that took place.[4]

While these means were employed for recruiting the navy, others of an equally questionable kind were

[1] *Annual Register*, 1770, pp. 157, 161, 162, 169, 174; 1771, pp. 16, 67, 68, 70.

[2] See vol. ii. p. 133. In 1770, in order to escape the necessity of pressing, several of the chief towns subscribed additional bounties for sailors who enlisted voluntarily. *Annual Register*, 1770, pp. 150, 163.

[3] Walpole's *Memoirs of Geo. III.* iv. 181. *Chatham Correspondence*, iii. 480, 481; iv. 22, 43. Adolphus, i. 459. Junius' *Letters* (signature Philo-Junius). Campbell's *Chief Justices*, ii. 419. Chatham said: 'I believe every man who knows anything of the British navy will acknowledge that, without impressing, it is impossible to equip a respectable fleet within the time in which such armaments are usually wanted.'—Thackeray's *Chatham*, ii. 217.

[4] Walpole's *Last Journals*, ii. 75, 77, 81.

found necessary for filling the vacancies in the army. I have noticed in a former chapter that it had been a common thing for press-gangs for the navy to hang about the prison-gates and seize criminals whose sentences had just expired, and this was not the only way in which the gaols were made to furnish their contingent for the defence of the country. Two or three Acts in favour of insolvent debtors had been passed, granting them their liberty on condition of enlisting in the army or navy, and in 1702 a system had begun which continued up to the time of the Peninsular war, of permitting criminals, who were undergoing their sentence, to pass into the army.[1] In the beginning of the American war, this system appears to have been much extended. The usual manner of disposing of criminals under sentence of transportation had hitherto been to send them to America, where they were sold as slaves to the planters; but the war that had just broken out rendered this course impossible. For a time the Government was in great perplexity. The gaols were crowded with prisoners whose sentence it was impossible to execute. The governors of the African colonies protested against the introduction of a criminal element among them. An Act was, it is true, passed, authorising the punishment of hard labour in England as a substitute for transportation to 'any of his Majesty's colonies and plantations,' and galleys were set up in the Thames where criminals, under sentence of transportation, were employed in hard labour.[2] But it soon occurred to the Government that able-bodied criminals might be more usefully employed in the coercion of the revolted colonists,[3] and there is

[1] Clode's *Military Forces of the Crown*, ii. 12–15.

[2] 16 Geo. III. c. 43. Walpole's *Last Journals*, ii. 38. *Annual Register*, 1776, p. 163.

[3] My knowledge of this subject is derived from the 'Government Correspondence' in the Irish State Paper Office. On March 30, 1776, Lord Harcourt, the Lord Lieutenant of Ireland, wrote to the Secretary of State, Lord

reason to believe that large numbers of criminals, of all but the worst category, passed at this time into the English army and navy. In estimating the light in which British soldiers were regarded in America, and in estimating the violence and misconduct of which British soldiers were sometimes guilty, this fact must not be forgotten. It is indeed a curious thing to notice how large a part of the reputation of England in the world rests upon the achievements of a force which was formed mainly out of the very dregs of her population, and to some considerable extent even out of her criminal classes.[1]

The difficulty of procuring voluntary recruits for the army and navy seems to show that, if the bulk of the poorer population of the country did not actively sym-

Weymouth, complaining that the gaols in Ireland were full of convicts under sentence of transportation, 'as no merchant will contract to convey them to America whilst the present rebellion subsists.' He proposed, therefore, to pardon such of them as were fit and serviceable men, 'on condition of their entering into his Majesty's land and sea service, as I shall direct.' Weymouth answered (April 23, 1776): 'The measure proposed by your Excellency for granting pardons to prisoners who may be found, on proper examination, to be fit for the sea or the land service, has been of late in many instances pursued here, and his Majesty approves of your granting pardons to prisoners in the several gaols of Ireland under these circumstances. But it will occur to your Excellency how necessary it is, that the enlisting officers should, in the strongest manner, be enjoined to examine and report, before the pardon shall be granted, whether the prisoners are really fit for service, as a discharge cannot so properly be granted. It should also be observed that when they are engaged, particular care should be taken to secure this kind of recruits, and that they be considered rather in a different light from those who enter voluntarily.'

[1] It does not appear to have been only the British troops who were recruited from the prisons. Speaking of the Germans in the British service, Goltz wrote to Frederick (March 13, 1777), 'Les recrues hessoises sont en grande partie des malfaiteurs détachés de la chaîne.'—Circourt, *Action Commune de la France et de l'Amérique*, iii. 81.

pathise with the Americans, a war with a people of their own race and language had at least no popularity among them. In concluding this review of the condition of English opinion in 1776, a few words must be added about the relations of the American contest to English party principles. Chatham, as we have seen, invariably maintained that the American cause was essentially the cause of the Whigs. In his great speech in the beginning of 1775 he asserted that 'the great fundamental maxim' of the British Constitution is, 'that no subject of England shall be taxed but by his own consent,' and that 'to maintain this principle is the common cause of the Whigs on the other side of the Atlantic and on this.' In December 1777, when the war had been long declared, he extolled the Americans as 'Whigs in principle and heroes in conduct,' and he openly expressed his wish for their success. Like the Whigs, the Americans made the full development of civil liberty, and especially the defence of the great Whig principle that taxation and representation are inseparably connected, the main object of their policy, and the highly democratic character of their political constitutions lay at the root of their resistance. Public meetings, instructions to members, all the forms of political agitation that had of late years grown up in England, were employed by the popular party in America. On the other hand, all who esteemed licentiousness rather than despotism the great danger of England, all who disliked the development of the popular element in the Constitution, all whose natural leaning was towards authority, repression, and prerogative, gravitated to the anti-American side. In America the supporters of the English Government were invariably called Tories. In England the King, the followers of Bute, and the whole body of Tories, were ultimately enlisted against the Americans, while the support of their cause became more and more the bond of union between the

Whigs who followed Chatham and the Whigs who followed Rockingham. By a true political instinct the clergy of the Established Church and the country gentry, who were the natural supporters of Toryism, were generally ranged on one side, and the Dissenters and the commercial class on the other.

So far the party lines of the American question appear very clear; but on the other hand, Grenville, who began the policy of taxing America, always called himself a Whig, he defended his measure by Whig arguments, and he strenuously maintained that the bulk of the party, in supporting the Americans, had deserted the orthodox traditions of their policy. The Whigs were the hereditary champions of the rights of Parliament, and it was the power of Parliament that was in question. The Whigs had made it one of their first objects to make the Sovereign dependent on Parliament for his supplies, and they were therefore bound to look with peculiar jealousy on a theory according to which supplies might be raised by requisition from the Crown, and for other than local purposes, by Assemblies over which Parliament had no control. The Whigs were the natural opponents of all extensions of the royal prerogative, and they could not with any consistency admit that the King could withdraw by charter a portion of his dominions from the full authority of Parliament.

Much of the language and some of the arguments of the Americans were undoubtedly drawn from the Tory arsenal. As Lord North truly said, it was the colonists who appealed to the King's prerogative. It was the ministers who upheld the authority of Parliament. The Americans delighted in contrasting their devotion to the Sovereign with their repudiation of parliamentary control, and they dilated, in language which seemed an echo of that of the early Tories, upon the unconstitutional enlargement of the dominion of

Parliament. With the deep-seated conservatism of the English character, the Whigs had always pretended that the Revolution had made no real change in the relative position of the great powers of the State; that it had only arrested encroachments by the Sovereign, and defined, asserted, and protected the ancient liberties of the people. The Americans, on the other hand, maintained with great reason that Parliament, since the Revolution, or at least since the Rebellion, had acquired a wholly new place in the British Empire, and that the arguments of English lawyers about the necessary subordination of all parts of the British Empire to the Supreme Legislature, and about the impossibility of the Sovereign withdrawing British subjects by charter from parliamentary control, were based upon a state of things which at the time when the colonies were founded existed neither in law nor in fact. 'At present,' Franklin wrote, 'the colonies consent and submit to the supremacy of the Legislature for the regulations of general commerce, but a submission to Acts of Parliament was no part of their original Constitution. Our former kings governed their colonies as they had governed their dominions in France, without the participation of British Parliaments. The Parliament of England never presumed to interfere in that prerogative till the time of the great Rebellion, when they usurped the government of all the King's other dominions, Ireland, Scotland, &c.'[1]

But although the arguments by which the followers

[1] Letter of B. Franklin, Nov. 29, 1769. *American Remembrancer*, 1775, p. 52. In a speech in 1775 Lord North said: 'If he understood the meaning of the words Whig and Tory, he conceived that it was the characteristic of Whiggism to gain as much for the people as possible, while the aim of Toryism was to increase the prerogative. In the present case, Administration contended for the right of Parliament, while the Americans talked of their belonging to the Crown. Their language, therefore, was that of Toryism.'—*Parl. Hist.*, xviii. 771.

of Grenville and Bedford maintained that their policy was a legitimate outcome of the principles of the Whig party were by no means without plausibility, or even without real force, the main current of Whig sentiment flowed irresistibly in the opposite direction. As the conflict deepened, the line of division corresponded closely with the division of parties. The whole body of the Tories, headed by the King, steadily supported a policy of coercion, while the Whigs made the cause of the colonists their own, though they defended it, as we have seen, by different arguments and in different degrees. Chatham could never tolerate the idea of an independent America, though he foresaw the danger at a very early stage of the conflict. He treated the whole question as one of the right of every free people to be taxed only by their own representatives. He strongly asserted the right and policy of the parliamentary restrictions of American commerce, and with Shelburne he emphatically protested against the new American doctrine that the Sovereign could not place his troops in any part of his dominions that he chose.[1] The Rockingham Whigs, on the other hand, while they regarded the surrender of the parliamentary power of taxation as a matter not of right but of policy, were prepared to make wide concessions in other directions; and some members of the party, almost from the beginning of the struggle, were willing to consent to a final surrender of English dominion over the colonies. Of this section the Duke of Richmond was the most conspicuous. As early as 1776 he argued that America never could be subdued except at a ruinous expense; that by continuing the war, she would be forced into alliance with our natural enemy France; that if subdued, she would take the first opportunity of revolting, and that this oppor-

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[1] Adolphus, ii. 309.

tunity would probably be when England was engaged in a deadly struggle, and when an American revolt might prove her ruin. If, then, he contended, America can no longer be kept amicably dependent, it is better to acknowledge her independence at once, to save further expenditure, to enter while it is still possible into close alliance with her, and thus to avert the great danger of her alliance with France.[1]

One other consideration weighed greatly with the Whig statesmen. It was the firm conviction of many, if not of all of them, that the triumph of the English in America would give such an ascendency to the Tory party and to the power of the Crown, that it would be fatal to English liberty. Such an opinion was more than once implied in the speeches of Chatham. It was the opinion of Fox[2] and of Horace Walpole,[3] and many years after the struggle had terminated it was deliberately reaffirmed by Burke.[4] We have a curious picture

[1] These views were privately expressed by the Duke of Richmond to his brother-in-law, Mr. Connolly, in a remarkable letter dated Nov. 1776, in the possession of the late Sir Charles Bunbury, who kindly allowed me to make use of it. In Jan. 1778, Richmond declared in Parliament his readiness to acknowledge American independence. (Walpole's *Last Journals*, ii. 182.)

[2] Fox's *Correspondence*, i. 142–147.

[3] In March 1778, he writes: 'I had as little doubt but if the conquest of America should be achieved, the moment of the victorious army's return would be that of the destruction of our liberty.'—Walpole's *Last Journals*, ii. 241.

[4] In defending his conduct on the American question, he says: 'He certainly never could, and never did, wish the colonists to be subdued by arms. He was fully persuaded that if such should be the event, they must be held in that subdued state by a great body of standing forces, and perhaps of foreign forces. He was strongly of opinion that such armies, first victorious over Englishmen, in a conflict for English constitutional rights and privileges, and afterwards habituated (though in America) to keep an English people in a state of abject subjection, would prove fatal in the end to the liberties of England itself.'—'Appeal from the New to the Old Whigs,' Burke's *Works*, vi. 124.

of the tone of thought prevailing among some of the Whig leaders in the beginning of the American contest, in a letter which was written by the Duke of Richmond to Burke from Paris in the August of 1776. Richmond had gone to France to prosecute his claim to an old French peerage, and he declares that the political condition of England was one reason why he was anxious to obtain it. England, he believed, was on the verge of despotism, and it would be a despotism more oppressive than that of France, for it would be less tempered by habit and manners. He himself was likely to be among the proscribed, and in that case, 'if America be not open to receive us, France is some retreat, and a peerage here is something.'[1]

Under all these circumstances, England entered into the ill-omened conflict in which she was engaged, profoundly divided. A party, small indeed in numbers, but powerful from its traditions, its connections, and its abilities, had identified itself completely with the cause of the insurgents, opposed and embarrassed the Government in every effort to augment its forces and to subsidise allies, openly rejoiced in the victories of the Americans, and exerted all its eloquence to justify and to encourage them. We must now pass to the other side of the Atlantic, and examine the movements of public opinion in America and the measures of the American Congress to organise the war.

[1] Burke's *Correspondence*, ii. 112-120.

CHAPTER XIII.

When General Howe sailed from Boston for Halifax on March 17, 1776, he was accompanied by rather more than 7,000 soldiers, besides 2,000 sailors and marines and about 1,500 loyalist refugees, while the army of Washington amounted to 21,800 men, of whom 2,700 were sick. The evacuation, though immediately due to the capture of Dorchester Heights, was not altogether involuntary, for the English ministers had some time before authorised and counselled him to leave Boston and repair to a Southern port, though they left the period to his discretion. In April, Washington left Boston, and on the 13th of the month he arrived at New York, which now became the great centre of the forces of the Revolution.

Several months passed with but little stirring action on either side. The Americans were busily employed in calling out and organising their forces, in arresting and imprisoning the loyalists, who were very numerous about New York, and in constructing powerful lines of entrenchment on Long Island for the defence of the city. Recruits came in slowly. Desertions, jealousies, and quarrels continued with little abatement, and the disastrous news of the result of the expedition against Canada and the appearance of small-pox among the troops had thrown a great damp upon American patriotism.[1] In the beginning of July, Colonel Reed, the adjutant-general of the forces, wrote

[1] Washington's *Works*, iii. 466

to a member of Congress that the American army was now less than 8,000 men, all of whom, from the general to the private, were exceedingly discouraged.[1] Soon, however, several thousand volunteers or militiamen arrived from the country about New York, from Connecticut, Pennsylvania, Delaware, and Maryland. On August 3, Washington's army was officially reckoned at 20,537 men, of whom, however, nearly 3,800 were sick or on furlough. By August 26 about 3,150 more men had come in.[2] They were, however, badly clothed, imperfectly armed, and for the most part almost without discipline or military experience.

General Howe in the meantime was drawing nearer to New York. He passed from Halifax to Sandy Hook, and from Sandy Hook to Staten Island, where he was joined by the fleet from England under his brother, Lord Howe. Troops withdrawn from Virginia and South Carolina, regiments from England and the West Indies, and a large body of newly enrolled Germans, soon filled his attenuated ranks, and he found himself at the head of little less than 30,000 well-appointed soldiers. On August 22 and 23 between 15,000 and 16,000 men were landed without opposition on Long Island,[3] and on the 27th they totally defeated the portion of the American army which was defending the entrenchments. If Howe had known how to improve his victory the whole force, consisting probably of about 10,000 men, must have been at his mercy. By the strange negligence of the English commander, by the great skill of Washington, and by the assistance of

[1] Stedman's *History of the American War*, i. 207.

[2] Washington's *Works*, i. 187; iv. 66.

[3] Howe's *Narrative*, p. 45. I must, however, warn the reader that the English and American authorities are hopelessly disagreed about the exact numbers engaged in Long Island, and among the Americans themselves there are very great differences. Compare Ramsay, Bancroft, Stedman, and Stanhope.

a dense fog, the Americans, who had been hemmed in on a corner of the island and who were separated from the mainland by an arm of the sea a mile wide, succeeded in effecting their retreat in the early hours of the morning, unimpeded and unobserved. They escaped, however, only by abandoning the lines they had constructed with much labour, and on September 15 Howe completed his campaign by the capture of New York.

The blow was a very formidable one to the American cause, and it had for some time been foreseen. On September 2 Washington wrote from New York a letter to the President of the Congress, in which he suggested no less a measure than the deliberate destruction of this great and wealthy commercial town. 'Till of late,' he said, 'I had no doubt in my own mind of defending this place; nor should I have yet, if the men would do their duty, but this I despair of. . . . If we should be obliged to abandon the town, ought it to stand as winter quarters for the enemy? They would derive great conveniences from it on the one hand; and much property would be destroyed on the other. . . . At present I dare say the enemy mean to preserve it if they can. If Congress, therefore, should resolve upon the destruction of it, the resolution should be a profound secret, as the knowledge of it will make a capital change in their plans.'[1]

Such a suggestion, emanating from such a man, furnishes a remarkable comment upon the indignation so abundantly expressed by the revolutionary party at the burning of Falmouth and Norfolk at the time when these little towns were actually occupied by troops who were firing upon the English. If preparations for burning New York were not, as has been alleged, actually made before the Americans evacuated the city, it is at

[1] Washington's *Works*, iv. 74.

least certain that such a step was at this time openly and frequently discussed.[1] Jay, who was one of the most conspicuous of the New York patriots, was of opinion that not only the city, but the whole surrounding country, should be reduced to ruin,[2] and the former measure was strongly advocated by Greene, one of the most popular of the American generals. 'The City and Island of New York,' he wrote, ten days before the surrender, 'are no objects to us. We are not to put them in competition with the general interest of America. Two-thirds of the property of the city and the suburbs belong to Tories. . . . I would burn the city and suburbs, and that for the following reasons.' He then proceeds to enumerate the military advantages that would ensue, and adds, 'all these advantages would result from the destruction of the city, and not one benefit can arise to us from its preservation, that I can conceive.'[3] Joseph Reed, who was Adjutant-General of the American army, was also strongly in favour of burning New York—'a city,' he said, 'the greater part of whose inhabitants are plotting our destruction.'[4]

Happily for its own reputation, happily perhaps for its influence in America, Congress rejected the counsel,

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[1] In a letter dated Aug. 17, 1776, a loyalist who had escaped from New York wrote: 'Every means of defence has been concerted to secure the city and whole island of New York from an attack of the royal army. Should General Howe succeed in that enterprise, his antagonist, Mr. Washington, has provided a magazine of pitch, tar, and combustibles, to burn the city before he shall retreat from his present station.'—Moore's *Diary of the Revolution*, i. 288. On Aug. 23, Washington wrote to the Convention of New York that 'a report now circulating that if the American army should be obliged to retreat from this city, any individual may set it on fire,' was wholly unauthorised by him.—Washington's *Works*, iv. 58.

[2] *Life and Correspondence of Joseph Reed*, i. 235.

[3] Washington's *Works*, iv. 85, 86. This letter was written on Sept. 5, 1776.

[4] *Life of J. Reed*, i. 213.

and New York fell intact into the hands of the English.[1] But the knowledge of the design had spread abroad, and there were men who were quite ready to carry it into effect. Shortly after midnight, on the morning of September 21, fires burst out simultaneously in several parts of New York. The church bells had all been carried away by Washington to be turned into cannon, so there was great difficulty in spreading the alarm. The fire-engines were in bad repair, and before the fire could be extinguished about a fourth part of the town was reduced to ashes. Several women and children perished in the flames, and many hundreds of families were reduced in an hour from comfort to beggary. But for the admirable efforts of English soldiers under General Robertson, and of sailors who landed from the fleet, assisted by a sudden change of wind, it is probable that nothing would have remained of the future capital of America. Men with combustibles in their hands were seized and killed either by the soldiers or the populace. Tryon, the English Governor of New York, expressed his firm belief that the conflagration had been deliberately prepared with the full knowledge of Washington before the Americans had left the town, and had been executed by officers of his army, some of whom 'were found concealed in the city.' In this conjecture he was undoubtedly mistaken. The letters of Washington show that he had no knowledge of the conflagration, but few impartial judges will question the distinct assertion of General Howe that the fire was, beyond all question, an incendiary one, and it is almost equally certain that it owed its origin to the revolutionary party.[2]

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[1] 'The Congress having resolved that it [New York] should not be destroyed.'—Washington's *Works*, iv. 86.

[2] See, on this fire, the description sent by Governor Tryon to Lord George Germaine, in the *Documents relating to the His-*

The superiority of the English over the Americans at Long Island, both in numbers, in arms, and in military experience, was so great that the defeat reflected no shadow of discredit upon the beaten army, who appear to have fought with great courage and resolution; but the extreme anarchy and insubordination that still reigned within the ranks, and the great want of real patriotism and self-sacrifice that was displayed, boded ill to the revolutionary cause. In the letter to which I have already referred, written by Colonel Reed before the battle, we have a vivid picture of the condition of the American army. 'Almost every villainy and rascality,' he wrote, 'is daily practised with impunity. Unless some speedy and effectual means of reform are adopted by Congress our cause will be lost. As the war must be carried on systematically, you must establish your army upon a permanent footing, and give your officers good pay, that they may be, and support the character of, gentlemen, and not be driven by a scanty allowance to the low and dirty arts which many of them practise to filch the public of more money than all the amount of the difference of pay. It

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tory of New York, viii. 686, 687, and some interesting contemporary accounts in Moore's *Diary*, i. 311–315. See, too, Washington's *Works*, iv. 100, 101. Stedman speaks of the conflagration as the accomplishment of a settled plan of the Americans formed before the evacuation, and he states that several cart-loads of bundles of pine-sticks dipped in brimstone were found next day in cellars to which the incendiaries had not time to set fire. He adds that about 1,100 houses were burnt.—Stedman's *Hist.* i. 208, 209. In that very interesting book the *History of New York* by the loyalist Judge Jones, who was present when the event took place, there is an account of the conflagration in which it is attributed without any question to the revolutionists (Jones's *History of New York*, i. 120, 121); and the editor has collected a great number of contemporary documents supporting the same conclusion (pp. 611–619). General Greene had predicted that, if Washington was obliged to retire, 'two to one, New York is laid in ashes.' —*Life of J. Reed*, i. 213.

is not strange that there should be a number of bad officers in the continental service when you consider that many of them were chosen by their own men, who elected them, not for a regard to merit, but from the knowledge they had of their being ready to associate with them on the footing of equality. It was sometimes the case that when a company was forming, the men would choose those for officers who consented to throw their pay into a joint stock with the privates, from which captains, lieutenants, ensigns, sergeants, corporals, drummers, and privates drew equal shares. Can it be wondered at that a captain should be tried and broken for stealing his soldiers' blankets? or that another officer should be found shaving his men in the face of characters of distinction. . . . Had I known the true posture of affairs, no consideration would have tempted me to have taken an active part in this scene. And this sentiment is universal.'[1]

The letters of Washington at this time are full of complaints of the quarrels between the soldiers of the different provinces, of the numerous desertions in the most critical periods of the campaign, of the constant acts of insubordination, of the complete inefficiency of the militia.[2] The defeat at Long Island had totally demoralised them. 'The militia, instead of calling forth their utmost efforts to a brave and manly opposition in order to repair our losses, are dismayed, intractable, and impatient to return. Great numbers of them have gone off, in some instances almost by whole regiments, by half ones, and by companies at a time.' 'Their want of discipline and refusal of almost every kind of restraint,' 'their humours and intolerable caprice,' their 'entire disregard of that order and subordination necessary to the well-being of an army,' their 'impatience to get home,' and their

[1] Stedman, i. 206, 207. See, too, the *Life of Reed*, i. 243.

[2] See Washington's *Works*, iv. 3, 7, 37, 89, 90, 105.

'abominable desertions' were rapidly infecting the regular continental troops.[1] On one occasion a body of New York militia under Colonel Hay simply refused to obey his commands or to do duty, saying that 'General Howe had promised them peace, liberty, and safety, and that is all they want.'[2] There was so little unity of action between the Congress and the local legislatures that, while the former offered a bounty of ten dollars to those who would enlist for a year in the continental service, the particular States sometimes offered a bounty of twenty dollars to the militia who were called out for a few months, and it was in consequence scarcely possible to obtain recruits for the more serious military service.[3] This competition, indeed, between the Congress and the separate States continued during a great part of the war; and as late as 1779, when Franklin was endeavouring to borrow money from Holland, he complained bitterly of the difficulties he encountered through the rivalry of particular States which were applying at the same time for loans for their own purposes, and not unfrequently offering higher interest.[4]

To all these difficulties which beset the path of Washington must be added the widespread disaffection to the American cause which was manifest in the State of New York. The legal legislature of the province had indeed been superseded in 1775 by a Provincial Convention elected and governed by the revolutionists, and it passed a resolution that all persons residing in the State of New York who adhered to the King and Great Britain 'should be deemed guilty of treason and should suffer death.'[5] 'A fierce mob was active in

[1] Washington's *Works*, iv. 72, 73, 89, 94, 95, 157.

[2] Ibid. p. 162.

[3] Ibid. i. 207; iv. 73.

[4] Franklin to the Committee of Foreign Affairs, May 26, 1779. —*American Diplomatic Correspondence*, iii. 88–91.

[5] Ramsay, i. 295.

hunting down suspected Tories, and they had introduced the brutal New England punishment of carrying their victims astride upon rails;[1] but the bulk of the property of New York belonged to loyalists, and they were very numerous, both among the middle classes of the town and in the country population. Before the arrival of the English, New York gaol was crowded with suspected loyalists, and among them were many of the first characters in the town. English recruiting agents penetrated even into the camp of Washington, and a plot was discovered for seizing his person.[2] When Howe landed at Staten Island he was warmly welcomed by the inhabitants, who at once furnished him with all that he required, and came forward in numbers to take the oath of allegiance.[3] When Washington was driven from Long Island, almost the whole population came forward gladly to testify their loyalty to the Crown,[4] and a corps of several hundred loyalists recruited in the province was serving in the English army.[5] The Queen's County, which comprehended the north side of Long Island, was especially noted for its loyalty. It refused to send a delegate to the Continental Congress or the Provincial Convention, and at the end of the war nearly a third part of its inhabitants are said to have emigrated to Nova Scotia.[6]

The conduct of the American troops, who were

[1] Moore's *Diary*, i. 288.

[2] Washington's *Works*, i. 181.

[3] Governor Tryon to Lord George Germaine, July 8, 1776. —*Documents relating to the History of New York*, viii. 681.

[4] 'I am sorry to say that from the best information we have been able to obtain, the people of Long Island have since our evacuation gone generally over to the enemy and made such concessions as have been required; some through compulsion, I suppose, but more from inclination.'—Washington to Trumbull, Washington's *Works*, iv. 88. Moore's *Journal*, i. 304.

[5] *Documents relating to the Hist. of New York*, viii. 681, 687.

[6] Jones's *Hist. of New York*, i. 107, 108.

almost wholly unaccustomed to discipline, was, as might have been expected, far from faultless. 'The abandoned and profligate part of our army,' wrote Washington, 'lost to every sense of honour and virtue, as well as their country's good, are by rapine and plunder spreading ruin and terror wherever they go, thereby making themselves infinitely more to be dreaded than the common enemy they are come to oppose.' In a confidential letter to the President of the Congress he complained that except for one or two offences the utmost penalty he was empowered to inflict was thirty-nine lashes; that these, through the collusion of the officers whose duty it was to see them applied, were sometimes rather 'a matter of sport than punishment,' and that in consequence of the inadequacy of the penalty 'a practice prevails of the most alarming nature, which will, if it cannot be checked, prove fatal both to the country and to the army.' 'Under the idea of Tory property, or property that may fall into the hands of the enemy, no man is secure in his effects and scarcely in his person.'[1] American soldiers were constantly driving innocent persons out of their homes by an alarm of fire, or by actually setting their houses on fire, in order more easily to plunder the contents, and all attempts to check this atrocious practice had proved abortive. The burning of New York was generally attributed to New England incendiaries. The efforts of the British soldiers to save the city were remembered with gratitude, and, although some parts of the province of New York still obeyed the Provincial Congress, there is little doubt that in the city and in the country around it the British were looked upon not as conquerors but as deliverers.[2]

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[1] Washington's *Works*, iv. 118, 119.

[2] On Feb. 11, 1777, Governor Tryon wrote to Lord George Germaine from New York: 'The success that accompanied my endeavour to unite the inhabitants of this city by an oath of

Washington, in October 1776, expressed his grave fear that in case of any unfavourable turn in American affairs the enemy might recruit soldiers at least as fast as the revolutionists.[1] It was one of the great miscalculations of the English Government that they entertained a similar expectation, and hoped to suppress the rebellion mainly by American troops. Attempts were made to produce a rising among the Scotch emigrants in Virginia. Officers were authorised to raise provincial corps for the service of the King, and on a single occasion equipments were sent out from England for no less than 8,000 provincial troops. In the course of the struggle it is, no doubt, true that many thousands took

allegiance and fidelity to his Majesty and his Government has met my warmest wishes; 2,970 of the inhabitants having qualified thereto in my presence, ... I have the satisfaction to assure your lordship, as the invitation to the people to give this voluntary testimony of their loyalty to his Majesty and his Government was made even without a shadow of compulsion, it gave me peculiar satisfaction to see the cheerfulness with which they attended the summons. I believe there are not 100 citizens who have not availed themselves of the opportunity of thus testifying their attachment to Government. The mayor, since I went through several wards, has attested fifty more men (and is daily adding to the number), which makes the whole sworn in the city 3,020, or 3,030, which, added to those attested on Staten Island, in the three counties on Long Island, and in Westchester county . . . makes the whole amount to 5,600 men. . . . I have assured the General that should he remove all his troops from the city, there would not be the least risk of a revolt from the inhabitants, but on the contrary was confident large numbers would take a share in the defence of the town against the rebels.'—*Documents relating to the Colonial History of New York*, viii. 697.

[1] Washington's *Works*, iv. 132. 'One unhappy stroke will throw a powerful weight into the scale against us, enabling General Howe to recruit his army as fast as we shall ours; numbers being so disposed and many actually doing so already' (p. 134). In another letter he reports that he has learned from Long Island that 'the enemy are recruiting a great number of men with much success,' and expresses his fear that 'in a little time they will levy no inconsiderable army of our own people' (p. 127). See, too, on the American loyalists, pp. 519-523, and Galloway's *Examination*.

arms for the King either in isolated risings or in the regular army,[1] but the enlistments were much fewer than was expected, and the hope that America would supply the main materials for the suppression of the revolt proved wholly chimerical. One of the first acts of the Whig party in every colony was to disarm Tories, and the promptitude and energy with which this measure was accomplished, combined with the unfortunate issue of several small risings in the Southern colonies, paralysed the loyalists.

Nor was it surprising that they showed great reluctance and hesitation. That strong dislike to military life which pervaded the colonial population was nowhere more conspicuous than in the class of society in which loyal sentiments chiefly prevailed, and the American loyalists risked much more than the American insurgents. In addition to the Acts punishing with death, banishment, forfeiture of goods, or imprisonment, those who assisted the English, every State passed Acts of Attainder, by which the properties of long lists of citizens who were mentioned by name were confiscated. Pennsylvania and Delaware, following the example of the Irish Jacobite Parliament of 1689, gave the attainted person the option of appearing to take his trial for treason by a specified date, but usually the confiscations were absolute and unconditional. In Connecticut the simple offence of seeking royal protection or absenting himself from his home and country made the loyalist liable to the confiscation of all his property. In New York, in addition to an Act confiscating all the goods of fifty-nine persons, three of whom were women, and making them liable to the penalty of death if they were found in the State, a heavy tax was

[1] Some attempts to estimate the number of loyalists who actually took arms will be found in Sabine's *American Loyalists*, 58–61.

imposed on every parent who had a loyalist son.[1] One of the first acts of the revolutionary party when they occupied Boston was to confiscate and sell all property belonging to loyalists, and in a country of farmers and yeomen most property was immovable. The loyalist exposed himself to the undying animosity of a large proportion of his neighbours; he exposed his family to those savage mobs who by plunder and torture were everywhere supporting the Revolution, and he was certain to incur absolute ruin not only in case of the defeat of the English cause, but even in case of the temporary evacuation of the district in which his property was situated. If the rebellion collapsed, it would probably do so speedily through the want of men and money and through the burden of the sufferings it produced, and it was not necessary for him to intervene and to excite against himself the hatred of those who would continue to be his neighbours. If the rebellion was prolonged, an American resident could estimate more truly than Englishmen how difficult it was to subdue an enormous, half-opened country, how absolutely impossible it was that the English power could be, for purposes of protection, a living reality over more than a very small section of it. Nor were the moral inducements to enter into the struggle very strong. Thousands who detested the policy of the New Englanders, and who longed to see the colonies reconciled to England, reprobated the Stamp Act and many other parts of the English policy, and felt in no way bound to draw the sword against their countrymen, or to add new fuel to a civil war which they had done their utmost to avert.

The remaining military operations of 1776 may be told in a few words. Washington, after his defeat,

[1] See a long list of these Acts of Attainder in Sabine's *American Loyalists*, pp. 78–81. See, too, Jones's *History of New York*, ii. 269, 270.

avoided any general action, though several slight skirmishes took place. The whole of New York Island was evacuated with the exception of Fort Washington, which, by the advice of General Greene, and contrary to the opinion of Washington, it was determined to defend. The British, however, took it by storm in a single day, and they captured in it 2,700 American soldiers and a large quantity of artillery and military stores, which the Americans could ill spare. Immediately after this brilliant success, a powerful detachment under Lord Cornwallis crossed the Hudson, entered New Jersey, to which Washington had fled, and prepared to besiege Fort Lee; but the garrison hastily evacuated it, leaving their artillery and stores in the hands of the British, and the whole province open to invasion. The Provincial Convention still held its meetings in distant towns of the Province of New York, and a few American soldiers under [illegible] continued in the province; but the main operations were now transferred to the Jerseys.

But before following the fortunes of the war in that province, it is necessary to enumerate the chief operations in other parts of the colonies. Schuyler, who commanded the Northern army, which had just evacuated Canada, though he appears to have been a capable officer, was disliked by the New England troops, and in the summer of 1776 the Congress, without as yet absolutely superseding him, gave a joint command to Gates, who was more popular in New England. The defeated army had fallen back on the strong fort of Ticonderoga; but the Americans also held the fort of Crown Point, which was fifteen miles distant, and they had constructed with great energy a small fleet, which for a time gave them the command of Lake Champlain. Gates appointed Benedict Arnold to command it; and this general, who had already shown himself a soldier of

great daring and capacity, exhibited the same qualities in the novel functions of naval commander. The English at length constructed a fleet far more powerful than that of the Americans, and in October they compelled the Americans to evacuate Crown Point, and they totally defeated the American fleet. Only one or two vessels were, however, captured, for Arnold succeeded in running the others on shore, in burning them before they could fall into the hands of the English, and in conducting the soldiers who manned them safely to Ticonderoga. The winter was now drawing in, and General Carleton, who commanded the English, made no attempt to besiege Ticonderoga, but fell back into winter quarters on the Canadian frontier.

In June 1776 General Clinton, at the head of some troops which had lately arrived from Ireland, and supported by a fleet under Sir Peter Parker, attempted to capture Charleston, which was the wealthiest and most important town in the southern colonies. Had he succeeded, he would have stopped one of the chief sources of military preparation in the South, and would have probably called into activity the strong loyalist party which had already shown itself in South Carolina. Charleston had, however, recently been protected by a very strong fortification on Sullivan's Island, and it was skilfully defended by General Lee, the most experienced of all the soldiers in the service of the revolution. In attacking the fort, three frigates ran aground, and although two were saved, it was found necessary to burn the third; and after several attempts the difficulties of the enterprise were found to be so great that it was abandoned. In July, Parker and Clinton sailed for New York.

The successful defence of Charleston was a great encouragement to the revolution in the Southern colonies, and for two and a half years no new attempt was made to re-establish in those quarters the dominion of England.

In December, however, the same commanders who had made the abortive attempt upon Charleston descended upon Rhode Island, and occupied it without resistance. One of the provinces most hostile to British rule was thus effectually curbed, considerable impediments were thrown in the way of the naval preparations of the enemy, and a good harbour was secured for the British; but military critics have doubted, or more than doubted, whether these advantages justified the British commander in detaining at least 6,000 soldiers for nearly three years inactive in the island.

The employment of Indians in the war was now on both sides undisguised. I have related in a former chapter what appears to me to be the true history of its first stages, and in the Canadian campaign the Indians gave great assistance to the English. Actuated, according to the English view, by a strong personal attachment to Sir William Johnson and Colonel Guy Johnson, and by an earnest loyalty to the Crown, which had so often protected them against the encroachments of the colonists—according to the American view by a mere selfish desire to support the side on which there was most to gain and least to lose,[1] the Indians along the Canadian frontier remained steadily loyal; and it is but justice to add that their fidelity was never more con-

[1] Compare the letters of Col. Guy Johnson in the *Documents relating to the Colonial History of New York*, vol. viii. (especially pp. 656, 657), and a note in Washington's *Works*, iii. 407. Ramsay (*History of the American Revolution*, ii. 138) attributes the fidelity of the Canadian Indians chiefly to the impression the expulsion of the French had made upon their minds, and to the non-importation agreement of 1774, which put it out of the power of the Americans to supply the Indians with the articles of commerce they chiefly valued. There is a striking statement of the unwavering fidelity of the Mohawks to England during the war, of the great sufferings they endured for her, and of the ungrateful way in which they were abandoned at the peace, in Jones's *History of New York*, i. 75, 76.

spicuous than in the first period of the campaign, when it appeared as if the forces of Montgomery and Arnold would have carried everything before them. In May 1776 the Congress resolved that 'it is highly expedient to engage the Indians in the service of the United Colonies;' in the following month they authorised General Schuyler to raise 2,000 Indians for his service in Canada, and Washington to employ Indians to any extent he thought useful; and they at the same time promised a reward to all Indians who took English officers or soldiers prisoners.[1] Schuyler found it impossible to shake the allegiance of the Canadian Indians; but in July 1776 Washington wrote an urgent letter to the General Court of Massachusetts begging them to enlist 500 or 600 Indians for his own army.[2] It is a remarkable fact, however, that in nearly every period of the struggle, and in every part of the States, the great majority of the Indians, if they took part in the war, ranged themselves on the side of the Crown, and England obtained in consequence much the larger share both of the benefit and of the discredit of their assistance.[3]

The English Government had certainly no desire to instigate or encourage acts of atrocity, and they strongly exhorted the Indians to abstain from such acts; but at the same time they knew that it was often wholly impossible to restrain them; they deliberately calculated upon the terrors of Indian warfare as a method of coercion; they were not content with employing Indians in their own armies, and under the supervision of their own officers, but urged them to independent attacks against the colonists, and there were men in the English service who would have readily

[1] *Secret Journals of Congress*, May 25, June 17, July 8, 1776.

[2] Washington's *Works*, iii. 430, 431, 460. See, too, v. 273, 274.

[3] Ramsay, ii. 139.

given them uncontrolled licence against the enemy.[1] Shortly before the attack upon Charleston, a very formidable conspiracy of loyalists and Indians to invade Virginia and the Carolinas was discovered. Mr. Stuart, who had for a long time directed the Indian affairs of the Southern colonies, was the leading agent in organising it; and it was intended to bring the Creeks and

[1] A disgraceful affair occurred in Canada in the summer of 1776, when several American prisoners were killed and others plundered by Indians after capitulation, and the English officer declared his inability to control the savages. (Washington's *Works*, iv. 1, 2.) Feb. 15, 1777, Col. Guy Johnson wrote to Lord George Germaine: 'The terror of their name without any acts of savage cruelty will tend much to the speedy termination of the rebellion.'—*Documents relating to the Colonial History of New York*, viii. 699. On April 21, 1777, Governor Tryon wrote to Secretary Knox: 'I am exactly of opinion with Colonel La [Corne] St. Luc, who says: "Il faut lacher les sauvages contre les miserables rebels, pour imposer de terreur sur les frontiers. Il dit de plus (mais un peu trop pour moi), qu'il faut brutalizer les affaires; assurement il est bien enragée de la mauvais traitement qu'il a reçu de les aveugles peuples"' (*sic*). Ibid. p. 707. On March 12, 1778, Col. Johnson wrote to Lord George Germaine: 'It is well known, my lord, that the colonies solicited the Indians early in 1775; that they proposed to make me prisoner, that they carried some Indians then to their camp near Boston, as they did others since, who were taken in the battle on Long Island; that the tomahawk which is so much talked of is seldom used but to smoak through or to cut wood with, and that they are very rarely guilty of any cruelty more than scalping the dead, in which article even they may be restrained. It is also certain that no objection was made to them formerly; that the King's instructions of 1754 to General Braddock, and many since, direct their being employed, while some of the American colonies went further by fixing a price for scalps. Surely foreign enemies have an equal claim to humanity with others. . . . I am persuaded . . . . that I can restrain the Indians from acts of savage cruelty.' Ibid. pp. 740, 741. See, too, on this subject, the note in Washington's *Works*, v. 274-276. Governor Pownall, who was intimately acquainted with Indian affairs, said 'the idea of an Indian neutrality is nonsense—delusive, dangerous nonsense. If both we and the Americans were agreed to observe a strict neutrality in not employing them, they would then plunder and scalp both parties indiscriminately.'

Cherokees, who inhabited lands to the west of the Carolinas and of Georgia, into the field, and to assist them by an expedition of English soldiers and by a great loyalist rising. The project was paralysed by its premature disclosure, and the great body of Indians in these parts remained passive; but the Cherokees took up arms, and waged a very savage war in the back settlements of Virginia and the Carolinas. The Southern colonists, however, soon collected an army for their defence, and not only cleared their own territory, but crossed the Alleghanies, traversed the Indian settlements, burnt the villages, destroyed the crops, and soon compelled the savages to sue for peace, and to cede a great part of their land to South Carolina. It was noticed that the barbarities practised by the Indians in this campaign had a great effect in repressing the loyalist sentiment in the Southern colonies.[1]

Another subject which greatly occupied the attention of the Americans was the indispensable necessity of creating a navy for the purpose of protecting their commerce and injuring that of the enemy. The Americans have at all times shown a remarkable aptitude for the seafaring life, and they did not wait for the Declaration of Independence to take measures for the construction of an independent navy. In the last three months of 1775 Congress ordered seventeen cruisers, varying from ten to thirty-six guns, to be built. In February 1776 the first American squadron, consisting of eight small ships—the largest carrying twenty-four guns—sailed under Commander Hopkins from Delaware Bay, and in October 1776 twenty-six American vessels were either built or building.[2] A few larger vessels were afterwards constructed in France, but the

[1] *Annual Register*, 1777, p. 122.

[2] Cooper's *History of the Navy of the United States*, i 76, 77, 89, 90, 101, 102.

American navy appears to have been almost wholly manned by natives, and in this respect it furnished a great contrast to the army, in which the foreign element was very prominent. The popularity, however, of the regular naval force could never compete with that of privateering, which was soon practised from the New England and Pennsylvanian coasts on a scale and with a daring and success very rarely equalled. The zest with which the Americans threw themselves into this lucrative form of enterprise is a curious contrast to their extreme reluctance to take up arms in the field. 'Thousands of schemes of privateering,' wrote John Adams in August 1776, 'are afloat in American imaginations.'[1] In the beginning of the war this kind of enterprise was especially successful, for a swarm of privateers were afloat before the English appear to have had the smallest suspicion of their danger. The names are preserved of no less than sixteen privateers belonging to Rhode Island alone, which were on the sea in 1776;[2] and it is probable that these form but a small fraction of the total number. At the end of 1776 250 West Indiamen had been captured,[3] the injury already done to the West India trade was estimated in England at 1,800,000*l.*, and the rate of insurance had risen to 28 per cent., which was higher than at any period in the last war with France and Spain.[4]

The leading merchants speculated largely in privateers, and it was noticed that 'the great profit of privateering was an irresistible temptation to seamen,'[5] and a formidable obstacle to enlistment in the

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[1] Adams's *Familiar Letters*, p. 208. See, too, pp. 220, 226, 230.

[2] Arnold's *History of Rhode Island*, ii. 386.

[3] American *Diplomatic Correspondence*, i. 248.

[4] Ibid. p. 262. See, too, *American Remembrancer*, 1776, part ii. p. 267.

[5] American *Diplomatic Correspondence*, ii. 93.

army. At the end of 1776, Robert Morris, in describing the gloomy prospects of the revolution, complained that 'in the Eastern States they are so intent upon privateering that they mind little else;[1] but when Chastellux visited Philadelphia a few years later, he found this distinguished patriot and merchant himself so occupied with the trade that he regarded a week as a calamitous one in which no prize was brought in by his cruisers, and his fortune had risen in the most disastrous period of the American war to between 300,000*l.* and 400,000*l.*[2] It was found impossible to man the navy without laying an embargo on the privateers, and in 1776 the Assembly of Rhode Island proposed to the other States a general embargo until the quotas of enlistments required by the Congress for the army had in each State been filled.[3] It may be questioned, however, whether American enterprise could have been on the whole more profitably employed, for successful privateering brought great wealth into the country, impoverished the enemy, and added very largely to the popularity of the war.

It needed, indeed, all the popularity that could be derived from this source, for the latter months of 1776 form one of the darkest periods in the whole struggle. The army of Washington had dwindled to 3,000 and even to 2,700 effective men. Except two companies of artillery belonging to the State of New York that were engaged for the war, the whole of the continental

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[1] American *Diplomatic Correspondence*, i. 243.

[2] Chastellux, *Travels in North America*, i. 199–201. According to a note, however, appended to the English translation of this book, a large part of the great fortune of Morris was due to other causes, and especially to the manner in which (without actual dishonesty) he employed his position of Financier-General to the colonies, to subserve his private interests. See, too, Bancroft's *Hist. of the United States*, x. 566, 567.

[3] Arnold's *Hist. of Rhode Island*, ii. 388, 389.

troops had only been enlisted for a year, and when their time of service expired in November and December, it appeared as if none of them would consent to re-enlist or to postpone their departure. In the face of an enemy of overwhelming numbers, in the very agonies of a struggle upon which the whole future of the contest depended, company after company came forward claiming instant dismissal. Fourteen days after the capture of Fort Washington had deprived the Americans of nearly 3,000 soldiers, a large division of the army took this course. Every hope of success seemed fading away. An urgent despatch was sent to Gates, who commanded the remains of the army which had invaded Canada, to send assistance from Ticonderoga. Unfortunately two of the regiments which he sent were from New Jersey, their time of service had expired, and as soon as they found themselves in their native State they disbanded to a man.[1]

General Lee had been left with some troops at the east side of Hudson River, and Washington now urgently summoned him to his assistance. Lee had served with much distinction in the English army in America during the last war, and his fierce energy had gained for him among the Indians the title of 'the spirit that never sleeps.' He returned to England after the capture of Canada, served in 1762 in Portugal with the auxiliary forces against the Spaniards, and performed at least one brilliant exploit in the capture of a Spanish camp near Villa Velha, on the Tagus. Having, however, quarrelled with his superiors, and being disappointed in his hopes of promotion, he passed into the Polish service, where he became a major-general. He afterwards spent some years in travelling, fought several desperate duels, and was everywhere noted for his violent and turbulent

[1] Ramsay, i. 312. Hildreth, iii. 159.

character; but he was also an accomplished linguist and a man of some literary talent, and he was one of the many persons to whom the letters of Junius were ascribed. He travelled in America in an early stage of the colonial dispute, and appears to have conceived a genuine enthusiasm for the American cause; but he was even more of an adventurer than an enthusiast, and was much disappointed at being placed in the American army not only below Washington, but also below Ward,—'a fat old gentleman,' as he complained, 'who had been a popular churchwarden, but had no acquaintance whatever with military affairs.' General Ward retired shortly after the recovery of Boston, and the star of Lee seemed for a time rising very high. His military experience was eminently useful in organising the American army. His defence of Charleston against the fleet of Sir Peter Parker in the summer of 1776 had been skilful and successful; and having afterwards been summoned to the north, his advice is said to have decided the evacuation of New York Island, which probably saved the American army from capture.

His self-willed, impracticable, and insubordinate temper, however, soon became apparent; he was extremely jealous of Washington, whose ability he appears to have greatly underrated, and after the capture of Fort Washington he thought the situation nearly hopeless. 'Between ourselves,' he wrote to his friend Gates, 'a certain great man is most damnably deficient. He has thrown me into a situation where I have my choice of difficulties. If I stay in this province I risk myself and army, and if I do not stay, the province is lost for ever. I have neither guides, cavalry, medicines, money, shoes, nor stockings. I must act with the greatest circumspection. Tories are in my front, rear, and on my flanks. The mass of the people is strangely contaminated. In short, unless something which I do

not expect turns up, we are lost. Our councils have been weak to the last degree.' For some time he positively disobeyed the summons of his chief, hoping to strike some independent blow near New York. At length, slowly and reluctantly, he entered New Jersey; but having on December 13 gone some way from his army to reconnoitre, he fell into the hands of a British party and was captured. To the officers who took him he expressed his disgust at 'the rascality of his troops,' his disappointment at the deep division of opinion in America, and his conviction that 'the game was nearly at an end.'[1]

The incident struck terror into the American army at a time when no additional discouragement was needed. Washington, closely pursued by a greatly superior force under Lord Cornwallis, retreated successively to Newark, to Brunswick, to Princeton, to Trenton, and to the Pennsylvanian side of the Delaware. Seldom has a commander found himself in a more deplorable position, for in New Jersey and in Pennsylvania, as well as in New York, the bulk of the people were either utterly indifferent or positively hostile to his cause. 'The want of exertion,' he wrote on December 5, 'in the principal gentlemen of the country, or a fatal supineness and insensibility of danger . . . have been the causes of our late disgraces.' The militia he described as 'a destructive, expensive, and disorderly mob.'[2] On the 12th he wrote that, a great part of the continental troops having insisted on abandoning him, he had 'hoped to receive a reinforcement from the militia of the State of New Jersey sufficient to check the further progress of the enemy,' but had been 'cruelly disappointed.' 'The inhabitants

[1] For the fullest particulars about this remarkable man see an interesting monograph called *The Treason of Charles Lee*, by George H. Moore (New York, 1860). The life and writings of Lee were published in one volume in 1794.

[2] Washington's *Works*, iv. 202, 203.

of this State, either from fear or disaffection, almost to a man refused to turn out.'[1] In Pennsylvania, things were a little, but only a little, better. About 1,500 men of the militia of Philadelphia marched to Trenton, 'but the remainder of the province continues in a state of supineness, nor do I see any likelihood of their stirring to save their own capital, which is undoubtedly General Howe's great object.'[2]

'With a handful of men,' he wrote a few days later, 'compared to the enemy's force, we have been pushed through the Jerseys without being able to make the smallest opposition and compelled to pass the Delaware.'[3] 'Instead of giving any assistance in repelling the enemy, the militia have not only refused to obey your general summons and that of their commanding officers, but, I am told, exult at the approach of the enemy and on our late misfortunes.'[4] 'I found . . . no disposition in the inhabitants to afford the least aid.' 'We are in a very disaffected part of the province, and between you and me I think our affairs are in a very bad condition; not so much from the apprehension of General Howe's army as from the defection of New York, the Jerseys, and Pennsylvania. In short, the conduct of the Jerseys has been most infamous. Instead of turning out to defend their country and affording aid to our army, they are making their submission as fast as they can. If the Jerseys had given us any support we might have made a stand at Hackinsac, and, after that, at Brunswick; but the few militia that were in arms disbanded themselves and left the poor remains of our army to make the best we could of it.' 'If every nerve is not strained to recruit the new army with all possible expedition I think the game is pretty nearly up.' 'The enemy

[1] Washington's *Works*, iv. 212.
[2] Ibid. p. 213.
[3] Ibid. p. 215.
[4] Ibid. p. 223.

are daily gathering strength from the disaffected.' 'I have no doubt but General Howe will still make an attempt upon Philadelphia this winter. I see nothing to oppose him a fortnight hence.'[1]

Clothes, shoes, cannon, entrenching tools were imperatively needed. A great part of the military stores of the Revolution had been captured at Fort Washington. Even small arms were beginning to fail. 'The consumption and waste of these,' wrote Washington, 'this year have been great. Militia and flying-camp men coming in without them were obliged to be furnished or become useless. Many of these threw their arms away; some lost them; whilst others deserted and took them away.'[2] And in the midst of all this distress there was incessant jealousy and recrimination, dishonesty and corruption; 'the different States, without regard to the qualifications of an officer, quarrelling about the appointments and nominating such as are not fit to be shoeblacks, from the local attachments of this or that member of the Assembly;'[3] 'the regimental surgeons, many of whom are very great rascals, countenancing the men in sham complaints to exempt them from duty, often receiving bribes to certify indispositions with a view to procure discharges or furloughs,' quarrelling incessantly around the beds of the sick, and 'in numberless instances' drawing 'for medicines and stores in the most profuse and extravagant manner for private purposes;'[4] the troops, in fine, so full 'of local attachments and distinctions of country,' that after vainly trying to unite them by 'denominating

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[1] Washington's *Works*, iv. 230, 231, 234.

[2] Ibid. p. 238.

[3] Ibid. p. 184.

[4] Ibid. pp. 116, 117. One regimental doctor was drummed out of his regiment at the American camp at Harlem for selling the soldiers certificates that they were unfit for duty, at the rate of 8*d.* a man.—Moore's *Journal*, i. 315.

the whole by the greater name of American,' Washington acknowledged that the task was an impossible one, and that the best way of governing his army was by stirring the emulation of the contingents of the different States.[1]

It seemed at this time not only probable but almost certain that the American Revolution would have collapsed; and if it had done so, it is strange to think how completely the commonplaces of history would have been changed, and how widely different would now have been the popular estimate of the rival actors both in England and in America. In the course of a few months the English had driven the Americans from Canada and from New York. They had taken possession of Rhode Island without opposition. They had overrun the whole of the Jerseys, and nothing but the Delaware saved Philadelphia from capture. It is almost certain that with the most ordinary vigilance and enterprise Howe could have compelled the chief American army to surrender in Long Island, and that if he had at once pursued Washington across the Delaware, Philadelphia would have immediately fallen into his hands. In either of these cases the American Revolution would probably have ended in 1776. In all the provinces which had been conquered, except Rhode Island, the feelings of the people had been at least as favourable to the British as to the revolutionists, and the more closely the correspondence of the time is examined the more evident it will appear that, in the middle colonies at least, those who really desired to throw off the English rule were a small and not very respectable minority. The great mass were indifferent, half-hearted, engrossed with their private interests or occupations, prepared to risk nothing till they could clearly foresee the issue of the contest.

[1] Washington's *Works*, iv. 236.

In almost every part of the States—even in New England itself—there were large bodies of devoted loyalists.[1] The different States still regarded themelves as different countries, and one of the sentiments that most strongly pervaded the majority of them was dislike of the New Englanders.[2] Washington, in New Jersey, issued a stringent proclamation ordering the inhabitants along the march of the English to destroy all hay and corn which they could not remove, but the order was nearly universally disobeyed, and Howe never at this time found the smallest difficulty in obtaining all necessary supplies.[3] Had the Americans as a whole ever looked upon the English as the Dutch looked upon the Spaniards, and as the Poles look upon the Russians, had they manifested in the struggle of the revolution but a tenth part of the earnestness, the self-sacrifice, the enthusiasm which they displayed on both sides in the war of Secession, Howe would at least have been enormously outnumbered. But during the whole of the campaign in New Jersey the army of Washington was far inferior in numbers to that which was opposed to him, and it was so ragged, inexperienced, and badly armed that it had rather the appearance of a mob than of an army. Howe issued a proclamation offering full pardon to all rebels who appeared before the proper authorities within sixty days and subscribed a declaration of allegiance, and great multitudes, including most of the chief persons in

[1] Thus Governor Tryon writes to Lord G. Germaine, Dec. 31, 1776, giving the report of two of his Majesty's Council who had just returned from Connecticut: 'They tell me, from the intelligence they had opportunities to collect, they are positive a majority of the inhabitants west of Connecticut river are firm friends to Government. This report I can give the more credit to from the number of Connecticut men that enlist in the provincial corps now raising.'—*Documents relating to the Colonial History of New York*, viii. 694.

[2] Adams's *Works*, iii. 87. Hildreth, iii. 147.

[3] Galloway's *Examination*, pp. 17, 18.

the State, gladly availed themselves of it. At Philadelphia itself there was so much disaffection that Washington was obliged to detach a portion of his shrunken army for the purpose of intimidating those who were opposing all defensive works against the British, and he was in almost daily expectation that the British would make an attempt to pass the Delaware, and only too certain that if they succeeded in doing so, Philadelphia would be at their mercy.

The Congress regarded the capture of the town as so imminent that it fled precipitately to Baltimore. Probably the last member who remained in Philadelphia was Robert Morris, afterwards well known for the great ability he displayed in organising the finances of the Union, and he wrote on December 21, 1776, a report of the condition of affairs to the American Commissioners at Paris, which gives a most vivid and instructive picture of the light in which the struggle now appeared to the ablest of its partisans. He describes the ruinous consequences of the capture of Fort Washington, the interception of the despatches of Washington, the sickness that was raging in the army, the want of warm clothing in the coldest period of the winter, the headlong flight through New Jersey before an overwhelming force of the enemy, the disappointment of all hopes of assistance from the people. 'Alas, our internal enemies had by various arts and means frightened many, disaffected others, and caused a general languor to prevail over the minds of almost all men not before actually engaged in the war. Many are also exceedingly disaffected with the constitutions formed for their respective States, so that, from one cause or other, no Jersey militia turned out to oppose the march of an enemy through the heart of their country; and it was with the utmost difficulty that the Associators of this city could be prevailed on to march against them.' The capture of Lee

had been a new and terrible blow, but the party he commanded, and also 500 men returning from the Lakes under General Gates, had just joined Washington; and as the army of Howe had been scattered, the one hope of the Americans was that they might be able to cut off the detached parties of the British, and thus compel them to abandon New Jersey. 'Unless that task is performed, Philadelphia—nay, I may say Pennsylvania—must fall.'

But the difficulties were almost insuperable. The dispositions of the people were such that the English had excellent intelligence, while the revolutionists could scarcely obtain any. The proclamation of Howe 'had a wonderful effect, and all Jersey, or far the greater part of it, is supposed to have made their submission. . . . Those who do so of course become our most inveterate enemies; they have the means of conveying intelligence, and they avail themselves of it.' Philadelphia was in a state of complete panic, and numbers of its citizens were taking flight. 'We are told the British troops are kept from plunder,[1] but the Hessians and other foreigners, looking upon that as the right of war, plunder wherever they go, from both Whigs and Tories without distinction, and horrid devastations they have made.' The rapid depreciation of

[1] The good conduct ascribed to the British soldiers is not borne out by other authorities. Washington speaks of the devastations and robberies in New Jersey as equally the work of the British and the Hessians, and he notices that at Princeton, where some very scandalous acts were perpetrated, there were no German soldiers. (Washington's *Works*, iv. 255, 268, 309, 310.) Galloway, who had particularly good means of ascertaining the truth, also ascribes the outrages indifferently to both nations. (*Examination before the House of Commons*, pp. 39, 40.) Judge Jones, in his loyalist *Hist. of New York* (i. 114), speaking of the plunderings by the British army near that city, says: 'The Hessians bore the blame at first, but the British were equally alert.' Jones notices, however, that the army under General Carleton was honourably distinguished for its good conduct (ibid. 90, 91).

the continental currency in itself threatened 'instant and total ruin to the American cause.' 'The enormous pay of our army, the immense expenses at which they are supplied, . . . and, in short, the extravagance that has prevailed in most departments of the public service, have called forth prodigious emissions of paper money.' Unless some brilliant success immediately changed the prospects of the war, nothing, in the opinion of this most competent observer, but the speedy assistance of France could possibly save the American cause. 'Our people,' he continues, 'knew not the hardships and calamities of war when they so boldly dared Britain to arms; every man was then a bold patriot, felt himself equal to the contest, and seemed to wish for an opportunity of evincing his prowess; but now, when we are fairly engaged, when death and ruin stare us in the face, and when nothing but the most intrepid courage can rescue us from contempt and disgrace, sorry I am to say it, many of those who were foremost in noise shrink coward-like from the danger, and are begging pardon without striking a blow.'[1]

Nothing, indeed, could now have saved the American cause but the extraordinary skill and determination of its great leader, combined with the amazing incapacity of his opponents. There is no reason to doubt that Sir William Howe possessed in a fair measure the knowledge of the military profession which books could furnish, but not one gleam of energy or originality at this time broke the monotony of his career, and to the blunders of the Jersey campaign the loyalists mainly ascribed the ultimate success of the revolution. The same want of vigilance and enterprise that had suffered the Americans to seize Dorchester heights, and thus to compel the evacuation of Boston, the same want of

[1] American *Diplomatic Correspondence*, i. 233–246.

vigilance and enterprise that had allowed them when totally defeated to escape from Long Island, still continued. When Washington was flying rapidly from an overwhelming force under Lord Cornwallis, Howe ordered the troops to stop at Brunswick, where they remained inactive for nearly a week. In the opinion of the best military authorities, but for that delay the destruction of the army of Washington was inevitable. The Americans were enabled to cross the Delaware safely because, owing to a long delay of the British general, the van of the British army only arrived at its bank just as the very last American boat was launched.[1] Even then, had the British accelerated their passage, Philadelphia, the seat and centre of the Revolutionary Government, would have certainly fallen. The army of Washington was utterly inadequate to defend it. A great portion of its citizens were thoroughly loyal. The Congress itself, when flying from Philadelphia, declared the impossibility of protecting it, and although Washington had burnt or removed all the boats for many miles along the Delaware, there were fords higher up which might easily have been forced, and in Trenton itself, which was occupied by the English, there were ample supplies of timber to have constructed rafts for the army.[2]

But Howe preferred to wait till the river was frozen, and in the meantime, though his army was incomparably superior to that of Washington in numbers, arms, discipline, and experience, he allowed himself to undergo a humiliating defeat. His army was scattered over several widely separated posts, and Trenton, which was one of the most important on the Delaware, was left in the care of a large force of Hessians, whose discipline had been greatly relaxed. Washington perceived that unless he struck some brilliant blow before

[1] See Stedman, i. 220–223.

[2] Jones's *History of New York*, i. 124–128.

the close of the year, his cause was hopeless. The whole province was going over to the English. As soon as the river was frozen he expected them to cross in overwhelming numbers, and in a few days he was likely to be almost without an army. At the end of the year the engagement of the greater part of his troops would expire, and on December 24 he wrote to the President of the Congress, 'I have not the most distant prospect of retaining them a moment longer than the last of this month, notwithstanding the most pressing solicitations and the obvious necessity for it.'[1] Under these desperate circumstances he planned the surprise of Trenton. 'Necessity,' he wrote, 'dire necessity, will, nay, must justify an attack.' It was designed with admirable skill and executed with admirable courage. On the night of Christmas 1776, Washington crossed the Delaware, surprised the German troops in the midst of their Christmas revelries, and with a loss of only two officers and two privates wounded, he succeeded in capturing 1,000 prisoners and in recrossing the river in safety.[2]

The effect of this brilliant enterprise upon the spirits of the American army and upon the desponding, wavering, and hostile sentiments of the population was immediate. Philadelphia for the present was saved, and the Congress speedily returned to it. Immediately after the victory a large force of militia from Pennsylvania joined the camp of Washington,[3] and at the end of December the disbandment of the continental troops, which a week before he had thought inevitable, had been in a great measure averted. 'After much persuasion,' he wrote, 'and the exertions of their officers, half, or a greater proportion of those [the troops] from the eastward have consented to stay six weeks on a

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[1] Washington's *Works*, iv. 244.
[2] Ibid. pp. 247-252.
[3] Ibid. 249, 251.

bounty of ten dollars. I feel the inconvenience of this advance, and I know the consequences which will result from it, but what could be done? Pennsylvania had allowed the same to her militia; the troops felt their importance and would have their price. Indeed, as their aid is so essential and not to be dispensed with, it is to be wondered at, that they had not estimated it at a higher rate.'[1] 'This I know is a most extravagant price when compared with the time of service, but . . . I thought it no time to stand upon trifles when a body of firm troops inured to danger was absolutely necessary to lead on the more raw and undisciplined.'[2]

No money was ever better employed. Recrossing the Delaware, Washington again occupied Trenton, and then, evading an overwhelming British force which was sent against him, he fell unexpectedly on Princeton and totally defeated three regiments that were posted there to defend it. The English fell back upon Brunswick, and the greater part of New Jersey was thus recovered by the Americans. A sudden revulsion of sentiments took place in New Jersey. The militia of the province were at last encouraged to take arms for Washington. Recruits began to come in. The manifest superiority of the American generalship and the disgraceful spectacle of a powerful army of European veterans abandoning a large tract of country before a ragged band of raw recruits much less numerous than itself, changed the calculations of the doubters, while a deep and legitimate indignation was created by the shameful outrages that were perpetrated by the British and German troops.

Unfortunately these outrages were no new thing. An ardent American loyalist of New York complains that one of the first acts of the soldiers of General Howe when they entered that city was to break open and plunder the

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[1] Washington's *Works*, iv. 254, 255. [2] Ibid. 256.

College library, the Subscription library, and the Corporation library, and to sell or destroy the books and philosophical apparatus; and he adds, with much bitterness, that during all the months that the rebels were in possession of New York no such outrage was perpetrated, that during a great part of that time the regular law courts had been open, and that they had frequently convicted American soldiers of petty larcenies, and punished them with the full approbation of their officers.[1] In New Jersey the conduct of the English was at least as bad as at New York. A public library was burnt at Trenton. A college and a library were destroyed at Princeton, together with an orrery made by the illustrious Rittenhouse, and believed to be the finest in the world.[2] Whigs and Tories were indiscriminately plundered. Written protections attesting the loyalty of the bearer were utterly disregarded, and men who had exposed themselves for the sake of England to complete ruin at the hands of their own countrymen, found themselves plundered by the troops of the very Power for which they had risked and sacrificed so much. Nor was this all. A British army had fallen back before an army which was manifestly incomparably inferior to it, and had left the loyalists over a vast district at the mercy of their most implacable enemies. Numbers who had actively assisted the British were obliged to fly to New York, leaving their families and property behind them. Already loyalist risings had been suppressed in Maryland, in Delaware, and in Carolina, and had been left unsupported by the British army. The abandonment of New Jersey completed the lesson. A fatal

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[1] Jones's *History of New York*, i. 136, 137.

[2] *Annual Register*, 1777, p. 13. 'After this time,' says the same writer, 'every load of forage that did not come from New York was sought or purchased at the price of blood.'—Ibid. p. 21.

damp was thrown upon the cause of the loyalists in America from which it never wholly recovered.[1]

In the meantime the Congress was busily engaged in raising a new continental army to replace the troops that were disbanded. The language of Washington on this subject was very decided. He again and again urged in the strongest terms the absolute impossibility of carrying on the war successfully mainly by militia, and he declared his firm conviction that, on the whole, this branch of the service had done more harm than good to the cause. He was equally positive that no system of short enlistments would be sufficient, and that the continental troops should be raised for the whole duration of the war. To do this it was necessary to offer high pay and a large bounty, but it was a measure of capital importance, and no sacrifice must be grudged. The class of officers appointed must be wholly changed. The pay of the officers must be greatly raised both absolutely and in its proportion to the pay of the privates. The system of allowing soldiers to appoint their own officers must be abandoned, and no persons who were not gentlemen should be chosen. It is curious, in tracing the foundation of the great democracy of the West, to notice the emphasis with which Washington dwelt on the danger to discipline of 'the soldiers and officers being too nearly on a level,' and on the facility with which degrees of rank were transferred from civil to military life. 'In your choice of officers,' he wrote to one of his colonels, 'take none but gentlemen. Let no local attachments influence you.'[2]

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[1] See Galloway's *Examination*, pp. 23, 65.

[2] Washington's *Works*, iv. 111, 139 140, 269. Mr. Kinglake observes that 'social difference between the officers and the common soldiers is the best contrivance hitherto discovered for intercepting the spread of a panic or any other bewildering impulse' through an army.—*Hist. of the Crimean War*, i. 307.

It was only with great hesitation and reluctance that the Congress could be induced to adopt these views. They hated the notion of a standing army. They dreaded the expense of additional bounties, and the unpopularity of a great difference between officers and privates, and a strong jealousy of Washington prevailed with many members. John Adams expressed his firm conviction that if the system of enlistments for the war were adopted, few men, except mercenaries of the lowest type, would serve in the American army.[1] At length, however, in September 1776 the Congress agreed to vote that eighty-eight battalions, each consisting of 750 men, should be enlisted for the war. It entrusted the enlistment of these battalions to the different States, but assigned to each its quota and gave to the States the right of appointing colonels and all inferior officers, and it at the same time revised the articles of war and made them somewhat more stringent. A bounty of twenty dollars was offered to each recruit, and future advantages were very lavishly promised. Every private was to be entitled at the end of his service to 100 acres of land, while larger quantities, proportioned to their rank, were promised to the officers. Congress also offered eight dollars to every person who should obtain a recruit; and in spite of the strong protest of Washington, several of the States offered addi-

[1] He says: 'I never opposed the raising of men during the war. . . . . but I contended that I knew the number to be obtained in this manner would be very small in New England, from whence almost the whole army was derived. A regiment might possibly be obtained of the meanest, idlest, most intemperate, and worthless, but no more. . . . . Was it credible that men who could get at home better living, more comfortable lodgings, more than double wages in safety, not exposed to the sicknesses of the camp, would bind themselves during the war? . . . In the middle States, where they imported from Ireland and Germany so many transported convicts and redemptioners, it was possible they might obtain some.' —Adams's *Works*, iii. 48.

tional and separate bounties for enlistment. It was found, however, impossible, even on these terms, to obtain any considerable number of recruits for the whole duration of the war; so it was determined to admit recruits for three years, who were to have no land, but were entitled to all the other advantages. Congress also, after some hesitation, gave Washington an extraordinary power of raising and organising sixteen additional battalions of infantry, three regiments of cavalry, three regiments of artillery, and a corps of engineers; and as the State appointment of officers proved very prejudicial, they gave Washington a dictatorial power over officers under the rank of Brigadier-General.[1] But in spite of all efforts to encourage enlistment, a large proportion of the continental soldiers were raised by compulsion. The States passed laws drafting the militia, and compelling every person drafted to enter the military service or to find a substitute under pain of imprisonment. In Virginia a law exempted every two persons who could find a recruit from all military service, and servants were manumitted who consented to enter the army.[2]

The difficulty of obtaining soldiers was by no means the only one that weighed upon the Congress. The powers of this body were so little defined and so imperfectly acknowledged that it had scarcely any coercive authority over the separate States. Prior to the Declaration of Independence, Congress was merely regarded as an organisation for enabling them to cooperate in resisting the encroachments or coercive measures of Great Britain, and the delegates had been severely limited by the instructions of their constituents. Since the Declaration of Independence, Congress had

[1] Hildreth, iii. 164, 166. Washington's *Works*, i. 205–207, 225.

[2] Galloway's *Examination*, pp. 18, 19.

become the Government of the country, but its authority rested only upon manifest necessity and general acquiescence, and had no real legal basis. It was not even a representation of the different State Assemblies. The great majority of its members were elected by Provincial Conventions, summoned with every sort of irregularity, and often representing very small sections of the people.[1] It was obvious that such a body could not strain allegiance or impose sacrifices. It was only in November 1777 that the Articles of Confederation were voted by Congress, which settled its constitution and powers, and defined the respective limits of the central and State governments. But these Articles of Confederation were not ratified by any of the States till July 1778, and they were not ratified so as to become obligatory on all the States till March 1781.[2] In the meantime Congress exercised the authority of a sovereign power, but it was obliged to be more than commonly careful not to arouse the jealousy of the States. Several questions of great difficulty had indeed already arisen. It was necessary to determine the proportion of men and money to be contributed by each State, and there were dangerous controversies about the exact boundaries of the different States, and upon the question whether the Crown lands should be regarded as common property at the disposition of Congress for the public good, or as State property subject only to the local legislatures.[3] It was only by great skill, management, and forbearance that these questions were solved or evaded, and a unity and consistency of action imparted to the whole machine.

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[1] Galloway's *Examination*, p. 11. The editor of this *Examination* says: 'In no colony where these delegates were not appointed by the Assemblies, which were in four only, were they chosen by one-twentieth part of the people.'

[2] Story *On the Constitution*, book ii. ch. i.

[3] Ibid. book ii. ch. ii.

The first necessity of the war was to raise money to carry it on. A great portion of the military stores had to be manufactured or imported, and it was very evident that in no part of the world was it less possible than in America to count upon gratuitous service. But the first step in the quarrel with Great Britain had been due to the attempt of the British Parliament to tax America, and a great impatience of taxation had been one of the chief supports of the revolutionary party. Under these circumstances, Congress did not venture to claim the power of directly imposing any tax, and at the beginning of the contest the separate States, which had an indisputable right of self-taxation, did not venture to exercise it for military purposes, knowing how large a part of the population were lukewarm or hostile to the revolution. During the first two years of the war no additional taxes of any importance appear to have been imposed, in spite of the earnest entreaties of Congress.[1] But money was imperatively needed, and the plunder of loyal subjects went but a small way in providing it. A foreign loan was obviously impossible until the revolutionary government had acquired some aspect of permanence and security. The only course that remained was the issue of paper money, and this Congress authorised with the general implied assent of the States. Five issues, amounting in the whole to fifteen million dollars, had been made by the end of July 1776. Congress apportioned the debt thus incurred to the several States upon the basis of population, and each State was primarily bound to raise taxes for the gradual redemption of its portion of the debt, and if it failed, the other States were liable to the creditor. At first this expedient was very popular, and the struggle was undertaken under the belief

[1] Bolles's *Financial Hist. of the United States*, pp. 195–197.

that it would be only a short one. But already, in July 1776, there were alarming symptoms of that depreciation of the continental paper which was perhaps the most serious danger to the cause of the Revolution, and it was aggravated by the failure of an attempt which was made to raise a loan of 5 millions of dollars at 4 per cent.

The financial question, indeed, was, perhaps, the most formidable which the party of the Revolution had to encounter. America started with the great advantage of a prosperous and economical people, and of a government entirely free from the profuse extravagance and corruption of the English political system. In a remarkable memorial drawn up by Franklin, the continental nations were reminded that the colonies of America, having borrowed 10,000,000 dollars in the last French war, had paid off the whole of this debt in 1772, and that the entire amount expended by the civil governments of three millions of people was only 70,000*l.*[1] But the very payment of the debt, though it greatly raised the credit of the country, had left it with but little money, and it was estimated that the whole amount of specie in the colonies amounted to less, probably to much less, than twelve millions of dollars.[2] The Congress judiciously threw open the ports, as far as the British cruisers would allow it, to commerce, and the American privateers brought in much wealth to the nation, but the revenues derived from these sources could not balance the expense of the war. At the end of 1777, Congress advised the different States to confiscate and sell for public purposes the property of all who had abandoned their allegiance to the State and passed over to the enemy, and

[1] American *Diplomatic Correspondence*, iii. 16, 18.

[2] Bolles's *Financial Hist. of the United States*, pp. 34, 45, 46.

this measure was energetically pursued. In some States, the estates and rights of married women, of widows and minors, and of persons who had died within the territory possessed by the British, were forfeited, and great masses of property were thus brought into the public treasury.[1] But in spite of all such palliatives, the financial stress was rapidly increasing, and measures of the most violent character were taken to arrest it. Already, at the end of 1776, Robert Morris described the proportionate rate of paper money to specie as from 2 or 2½ to 1, and the depreciation naturally advanced with accelerated speed.[2] It was not uniform in all the States, but in 1778 the rate was 5 or 6 to 1. In 1779 it was 27 or 28 to 1, and in the beginning of 1780, when new measures were taken on the subject, it was 50 or 60 to 1.[3] Its necessary consequence was a corresponding elevation of all nominal prices, and an utter confusion of all pecuniary arrangements which had been made before the war. Multitudes of quiet and industrious men, who had been perfectly indifferent to the Stamp Act and the tea duty, found themselves brought face to face with ruin, and a cry of indignation and distress rose up over the land. 'The country people,' wrote a French officer from Philadelphia, 'are so exasperated at the high price everything bears, that unless some change soon takes place they threaten not only to withhold provisions from the town, but to come down in a body and punish the leaders.'[4]

In the beginning of 1777, Congress, with the warm

[1] Bolles's *Financial History of the United States*, pp. 56, 57.

[2] American *Diplomatic Correspondence*, i. 239.

[3] Ramsay's *History of the American Revolution*, ii. 129.

[4] Quoted in Bolles's *Financial History of the United States*, p. 159. Many details about the prices of the chief articles of consumption will be found in that very charming book, *Familiar Letters of John Adams and his Wife during the Revolution.*

approval of the great body of the people, determined to enter upon a course which the more sagacious men in America knew to be little better than insane. It imagined that it could regulate all prices by law, and maintain them at a level greatly below that which the normal operation of the law of supply and demand had determined. Laws with this object were speedily made in all the States. The prices of labour, of food, of every kind of manufacture, of all domestic articles, were strictly regulated, and committees employed to see that these prices were not exceeded. The measure, of course, aggravated the very evil it was intended to diminish. Goods that were already very rare and greatly needed were carefully concealed and withdrawn from sale lest they should be purchased at prices below their real value. In most cases the law was disregarded, and sellers continued to sell, sometimes secretly, sometimes openly, at prices higher than the law permitted, charging an additional sum to compensate them for the risk they incurred. Mob violence directed against the 'engrossers, monopolisers, and forestallers,' combinations of the more patriotic merchants binding themselves to sell only at the authorised prices, newspaper denunciations and occasional legal punishments, were all insufficient and impotent; and in September 1777, John Adams wrote that in his sincere opinion the Act for limiting prices, if not repealed, would 'ruin the State, and introduce a civil war.' At last, in October 1778, Congress voted that 'all limitations of prices of gold and silver be taken off;' but the States continued for some time longer to endeavour to regulate prices by legislation.[1]

Still more terrible in their consequences than the

[1] See a full history of this Subject in Bolles's *Financial History of the United States*, pp. 158–173.

attempted limitation of prices were the laws which were passed by the different States at the invitation of Congress, making paper money legal tender, compelling all persons to receive it in full payment of debts or obligations contracted before the Revolution, and pronouncing those who refused to do so enemies of the liberty of America. Few laws have spread a larger amount of distress, dishonesty, and injustice through a great community. All those who subsisted on life-incomes or fixed rents or interest of money found their incomes rapidly reduced to a small fraction of their previous value; while, on the other hand, vast wealth was suddenly created, as the whole debtor class were enabled to free themselves from their obligations. Debts incurred in gold were paid off in depreciated paper which was only worth a twentieth, a thirtieth, a fortieth, a fiftieth part of its real value. They were legally extinguished by a payment which was in reality not 1*s*. or 6*d*. or even 3*d*. in the £.

In a country where debtors were extremely numerous, and where the whole social and economical system rested on the relation of debtor and creditor, this law opened the door to the most enormous and far-reaching fraud, but it acted differently on different classes, and this difference had an important influence upon the fortunes of the Revolution. To the labourer who lived upon his daily wages, the depreciation was of little moment, especially if he had been too improvident to lay by any store for the future. Earning and spending in the same currency, the change was no disadvantage to him, and he was even benefited by the unnatural stimulus which the immense quantities of paper money thrown suddenly upon the market had given to all kinds of labour. On the other hand, the wealthy and the saving and the helpless classes were in general utterly ruined. Debts of mer-

chants which had been contracted when goods were cheapest and had often been for years on the books, were now discharged in paper not a twentieth part of the real value. Widows and orphans in great numbers, who had been left fortunes in money, were paid off by guardians, trustees, or executors in depreciated paper. Old men who had lent out the savings of industrious lives, and had been living comfortably upon the interest, were fortunate if they did not receive back their principal shrunk to perhaps a fiftieth part of its original value. Everyone who had been sufficiently saving to lend was impoverished. Everyone who had been reckless and improvident in borrowing was enriched, and 'truth, honour, and justice,' in the emphatic words of a contemporary American historian, 'were swept away by the overflowing deluge of legal iniquity.'[1] Among the enterprising men who had thrown themselves into the first movement of the revolution were many of broken fortunes and doubtful antecedents, many ardent speculators, many clever and unscrupulous adventurers. Such men found in the violent depreciation, the local variations, and the sudden fluctuations of the currency a ready path to fortune, and they soon acquired a new and sinister interest in the continuance of the struggle. Among others, the gentleman who called himself Earl of Stirling, and who had attained the position of brigadier-general in the American service, had entered it overwhelmed with debt, but by availing himself of the condition of the currency, he is stated to have paid off debts amounting to nearly 80,000*l.* with 1,000*l.* of gold and silver.[2]

Very seldom in the history of the world had the race for wealth been so keen, or the passion for speculation so universal, or the standard of public honesty so low.

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[1] Ramsay. [2] Jones's *History of New York*, ii. 324.

'The first visible effect,' wrote a contemporary American economist, 'of an augmentation of the medium and the consequent fluctuation of value was a host of jockeys, who followed a species of itinerant commerce, and subsisted upon the ignorance and honesty of the country people; or, in other words, upon the difference in the value of the currency in different places. Perhaps we may safely estimate that not less than 20,000 men in America left honest callings and applied themselves to this knavish traffic.'[1] 'The manners of the continent,' wrote the Committee of Foreign Affairs in March 1778, 'are too much affected by the depreciation of our currency. Scarce an officer but feels something of a desire to be concerned in mercantile speculation, from finding that his salary is inadequate to the harpy demands which are made upon him for the necessaries of life, and from observing that but little skill is necessary to constitute one of the merchants of these days. We are almost a continental tribe of Jews.'[2] 'Speculation,' wrote Washington, 'peculation, engrossing, forestalling, with all their concomitants, afford too many melancholy proofs of the decay of public virtue.'[4] The vast gains rapidly acquired by privateering, the enormous rate of insurance, the enormous prices given for such European goods as arrived safely in America, had already produced a spirit of fierce and general gambling which the depreciation and fluctuation of the currency immeasurably increased. Immense fortunes were suddenly accumulated; and, in the gloomiest period of the struggle, Philadelphia was a scene of the wildest and maddest luxury. Many years after the peace with England had been signed, the older Americans could

[1] Noah Webster's *Essays*, p. 105.

[2] American *Diplomatic Correspondence*, i. 375. See, too, on the speculations by officers, *Bolles*, p. 118.

[3] Washington's *Works*, vi. 210.

clearly trace in the prevailing spirit of reckless and dishonest speculation the demoralising effects on the national character of the years of the depreciated currency.[1]

It was gradually becoming evident to intelligent observers that the war was not likely to be determined by mere hard fighting. In its first stages a decisive English victory might more than once have concluded it; but it was plain that, if the American people, or any very large proportion of them, persevered, no military expeditions could subdue them. In no country in the world was it more easy to avoid a decisive action, and the whole texture and organisation of colonial life hung so loosely together, that the capture of no single point was likely to be of vital importance. In the course of the war every important town—Boston, New York, Philadelphia, Newport, Savannah, Charleston—fell into the hands of the British, but the struggle still continued. A Rebel Convention governed a part of the State of New York at the very time when the capital

[1] Oct. 4, 1779, Franklin wrote: 'The extravagant luxury of our country in the midst of all its distresses is to me amazing.'—American *Diplomatic Correspondence*, iii. 116. Chastellux, in his *Travels in North America*, gives a vivid picture of the luxury at Philadelphia. Mr. Bolles (to whose excellent work I am indebted for most of these quotations), cites the striking description given by a modern American writer: 'Speculation ran riot. Every form of wastefulness and extravagance prevailed in town and country, nowhere more than at Philadelphia, under the very eyes of Congress; luxury of dress, luxury of equipage, luxury of the table. We are told of one entertainment at which 800*l.* was spent in pastry. As I read the private letters of those days I sometimes feel as a man might feel if permitted to look down upon a foundering ship whose crew were preparing for death by breaking open the steward's room, and drinking themselves into madness. . . . The moral sense of the people had contracted a deadly taint. The spirit of gambling . . . was undermining the foundations of society.'—Greene's *Historical View of the American Revolution.*

and the surrounding country were in the undisputed possession of the King's army; and whole districts submitted without a struggle whenever the troops appeared, and cast off their allegiance the moment they had gone. To occupy and maintain in permanent subjection a country so vast, so difficult, and so sparsely populated; to support a great army in the midst of such a country, and 3,000 miles from England, if the people were really hostile, was absolutely and evidently impossible, and the attempt could not long be made without a ruinous expense.

The real hope of success lay in the languor, divisions, and exhaustion of the Americans themselves. A large minority detested the revolution. A large majority were perfectly indifferent to it, or were at least unwilling to make any sacrifice for it. Jealousies and quarrels, insubordination and corruption, inordinate pretensions and ungovernable rapacity divided and weakened its supporters. The extreme difficulty of inducing a sufficient number of soldiers to enrol themselves in the army of Washington, the difficulty of procuring cannon and gunpowder and every kind of military stores, the want of woollen clothes, and of other important articles of European commerce, the ruin, the impoverishment, and the confusion that resulted from the enormous depreciation of the currency, and finally the impossibility of paying for the essential services of the war, made it probable that a peace party would soon gain the ascendent, and that the colonies would soon be reunited to the mother country.

If America had been left unaided by Europe this would probably have happened. A large proportion of the States would almost certainly have dropped off, and although the war might have been continued for some time in New England and Virginia, it was tolerably evident that even there no large amount of gratuitous

service or real self-sacrifice could be expected. Washington himself at one time gravely contemplated the possibility of being reduced to carry on a guerilla warfare in the back settlements. But at this most critical period foreign assistance came in to help, and it is not too much to say that it was the intervention of France that saved the cause.

I have already noticed the circumstances under which Congress in 1775 determined to seek this assistance, and the strong motives of resentment, rivalry, and interest that disposed France to accede to the request. It was in November 1775 that a committee was appointed to correspond with 'friends of America in other countries;' and early next year Silas Deane was sent to Paris as secret agent, with instructions to ascertain the dispositions of the French Court, and to endeavour to obtain arms and supplies. He arrived in Paris in July 1776, but before that date the French ministers had resolved upon their policy. Choiseul, who had watched with especial eagerness the rise of the troubles in the colonies, and who had steadily laboured to reconstruct the shattered navy of France, to maintain a close alliance between the different branches of the House of Bourbon, and to oppose on all occasions the interests of England, had fallen from power in 1770, but he was still said to have some influence, and to have exerted it in favour of the colonies. The existing ministry was presided over by Count Maurepas, and its most powerful members were Vergennes, the Minister for Foreign Affairs, and the illustrious Turgot, the Comptroller-General.

In the beginning of 1776 Vergennes drew up a memorial on American affairs, which was laid before the King. It was written in a tone of extreme hostility to England, and although it affected to deprecate a war, its whole tendency was to urge the Government to a more directly aggressive policy. The civil war that

had arisen was, in the opinion of Vergennes, infinitely advantageous both to France and to Spain, in so far as it was likely to exhaust both the victors and the vanquished, but there were some grave dangers to be feared. It was possible that the English would acknowledge the impracticability of coercing America, and would enter into a policy of conciliation; and it was only too probable that in that case they would employ the great army they had collected in America to seize the possessions of France and Spain in the West Indies. Such an enterprise would be extremely popular. It would speedily efface the recollection of the domestic quarrel; it would be almost certainly successful, for the French and Spanish West Indies were practically indefensible; and it was especially likely if Chatham again became minister, as it would enable him to overthrow the arrangements of the Treaty of Paris, against which he had so bitterly protested. It was possible again, that the King of England, having conquered the liberties of America, would endeavour to subvert those of England, but he could only do so by flattering the national hatred and jealousy, and by surrounding himself with the popularity that springs from a successful foreign war. If, on the other hand, the American States became independent, it might be feared that England would seek to indemnify herself for her loss and humiliation by seizing the French and Spanish West Indies; and it was not impossible that America herself, being shut out from the English markets, might be compelled by necessity to seek in new conquests an outlet for her productions.

The Kings of France and Spain were animated by a strong love of peace, and peace must in consequence, if possible, be preserved. If, however, they had thought fit 'to follow the impulse of their interests, and perhaps of the justice of their cause . . . if their military and financial means were in a state of development

proportionate to their substantial power, it would, no doubt, be necessary to say to them that Providence had marked out this moment for the humiliation of England . . . that it is time to avenge upon her the evils which, since the commencement of the century, she has inflicted upon her neighbours and rivals; that for this purpose all means should be employed to render the next campaign as animated as possible, and to procure advantages to the Americans. The degree of passion and exhaustion should determine the moment to strike the decisive blows which would reduce England to a secondary Power . . . and deliver the universe from a greedy tyrant that was absorbing all power and all wealth.' This bold policy, however, of undisguised assistance the two Kings did not wish to adopt, and so another policy was submitted to the King and to his council.

'The continuance of the war for at least one year is desirable to the two Crowns. To that end the British ministry must be maintained in the persuasion that France and Spain are pacific, so that it may not fear to embark in an active and costly campaign; while on the other hand the courage of the Americans should be kept up by secret favours and vague hopes which will prevent accommodation. . . . The evils the British will make them suffer will embitter their minds; their passions will be more and more inflamed by the war; and should the mother country be victorious, she will for a long time need all her strength to keep down their spirit.' To carry out this policy the ministers must 'dexterously tranquillise the English ministry as to the intentions of France and Spain,' while secretly assisting the insurgents with military stores and money, and they must at the same time strengthen their own forces with a view to a war.[1]

[1] See Bancroft's *History of the American Revolution*.

In order to judge the real character of the advice so frankly given, we must remember that England was at this time at perfect peace with France; that she had given no provocation or reasonable pretext for hostility; that as the American colonies had not yet declared their independence, their quarrel with the mother country was as yet a purely domestic one, and also that no consideration of their welfare or of the principles they were advocating entered in the smallest degree into the motives of action of Vergennes.

By the command of the King the memorial of Vergennes was submitted to Turgot, who, in April 1776, presented a paper containing his own views of the question. Sooner or later, in the opinion of Turgot, the independence of America was a certainty, and it would totally change, not only the relations of Europe with America, but also all the prevailing maxims of commerce and politics. America must necessarily be a nation of free-traders. She need not seek new conquests in order to find a market for her produce. By throwing open her own ports she would soon oblige other nations to do the same; and they would not be long in discovering that the whole system of monopoly, restriction, and dependence on which the colonial system of all European nations during the last two centuries was founded was an absolute delusion.

It is a remarkable illustration of the manner in which economical ideas were growing in Europe, that this opinion, which a few years before would have been regarded as the most extravagant of paradoxes, was in 1776 independently promulgated by the greatest French statesman of his age, and by the founder of political economy in England. Turning, however, to the immediate interests of France, Turgot considered her most pressing and immediate necessity to be peace. Her

finances were so deranged that nothing but extreme and long-continued frugality could avert a catastrophe, and the foreign dangers that threatened her were much exaggerated. There was no sufficient reason to believe that the English ministers contemplated attacking her, and it was extremely unlikely that in the very probable event of England losing her colonies she would launch into a new and costly war, especially as in that case she would have lost the basis of her operations against the French West Indies. The severance of the colonies from England would not injure England, and it would be a great benefit to the world, on account of its inevitable influence on colonial and commercial policy. 'Wise and happy will be that nation which shall first know how to bend to the new circumstances, and consent to see in its colonies allies and not subjects. . . . When the total separation of America shall have extinguished among the European nations the jealousy of commerce, there will exist among men one great cause of war the less, and it is very difficult not to desire an event which is to accomplish this good for the human race.'

The immediate interests, however, of France and Spain must be judged upon narrower grounds. England was their great rival, and the policy of the English ministers was so infatuated that their success in America would be the result most favourable to French and Spanish interests. If England subdued her colonies by ruining them, she would lose all the benefits she had hitherto derived from them. If she conquered them without materially diminishing their strength, she would find them a source of perpetual weakness, for they would always be awaiting their opportunity to rebel. The true interest of France was to remain perfectly passive. She must avoid any course that would lead to war. She must give no money and no special assistance to the revolted colonists, but the ministers might shut their

eyes if either of the contending parties made purchases in French harbours.[1] ✓

Maurepas and Malesherbes supported the pacific views of Turgot, but Vergennes found the other ministers on his side, and his policy speedily prevailed. Malesherbes, discouraged at the resistance to his internal reforms, retired from the ministry in the beginning of 1776, and Turgot, who was detested by the aristocracy and disliked by the Queen, was dismissed a few months later. The French Government, while duping the English ministry by repeated and categorical assertions of their strict neutrality, subsidised the revolt; and in May 1776, nearly two months before the arrival of Silas Deane in Europe, Vergennes wrote a letter to the King, of which it is no exaggeration to say that it is more like the letter of a conspirator than of the minister of a great nation. He was about to authorise Beaumarchais to furnish the Americans with a million of livres for the service of the English colonies. He was so anxious to preserve the secrecy of the transaction that he had taken care that his letter to Beaumarchais should not be in his own handwriting or in the handwriting of any of his secretaries or clerks, and he had accordingly employed his son, a boy of fifteen, on whose discretion he could rely. He would now write to Grimaldi, the minister of Spain, proposing to him to contribute a similar amount.[2] ✓

The reputation which literary achievement gives, so far eclipses after a few years minor political services that it is probable that only a small fraction of those who delight in the 'Marriage of Figaro' or in the 'Barber of Seville' are aware that Beaumarchais was for a time one of the most active of the confidential agents of Vergennes, and that he bore a very considerable part in the

[1] See this memoir in Turgot's *Works*, viii. (ed. 1809).

[2] Flassan, *Hist. de la Diplomatie Françaïse*, vi. 143, 144.

transactions that led to the independence of America. Under an assumed name, he brought a first loan of a million livres from Vergennes to the Americans. A similar sum was sent by Spain, and the money was employed in purchasing from the royal arsenals of France such munitions of war as were necessary for the army. In the course of 1776, Deane was able in this way to procure for his countrymen 30,000 stand of arms, 30,000 suits of clothes, more than 250 pieces of cannon, and great quantities of other military stores.[1]

The assistance at this critical moment was of vital importance, and from this time France continued steadily, by successive loans and supplies of military munitions, to maintain the army of Washington. In September 1776, Franklin and Arthur Lee, together with Deane, were appointed commissioners at Paris for the purpose of negotiating treaties with foreign Powers, and especially with France, and rather more than a year later a furious quarrel broke out between Lee and Deane, which ended in the recall of the latter, with serious imputations upon his integrity. He was replaced by John Adams, but before that time the alliance with America had been signed. The assistance of France, however, was never more valuable than in the first period of the war, while she was still at peace with England. American vessels were admitted, by the connivance of the ministers, into French ports with articles of commerce of which by law French merchants had a strict monopoly, and the American agents were soon able to inform the Congress that France gave the commerce of the insurgent colonies greater indulgences in her ports than the commerce of any other nation whatever.[2] Privateers were sheltered and equipped; prizes were secretly sold in the French

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[1] American *Diplomatic Correspondence*, i. 131.
[2] Ibid. pp. 37, 69, 92, 93.

harbours. Experienced officers, trained in the French army, were sent to America with the permission, or even at the instigation, of the French ministers, to organise or command the American forces. In the beginning of 1777 one of the ablest sea officers in France was engaged, by the permission of the minister, in superintending the construction in French harbours of ships of war for America,[1] and finally a new grant of two millions of livres from the Crown was made, the King exacting no conditions or promise of repayment, and only requiring absolute secrecy.[2]

It was not possible that these things could be wholly concealed from the English Ambassador, but the comedy was boldly if not skilfully played. Vergennes professed his absolute ignorance of the despatch of military stores to America, at the very time when by his authorisation they were freely exported from the King's own arsenal. He gave orders that vessels which were pointed out as laden with such stores should be stopped, and then allowed them secretly to escape. He formally recalled the leave of absence of officers who were said to be going to America, but did not oblige them to return to their regiments. He gave orders that no prizes should be sold in the French ports, and then instructed persons about the Court to inform the American agents that this measure was necessary, as France was not yet fully prepared for war, but that they must not for a moment doubt the good-will of the Court. He even imprisoned for a time some who were too openly breaking the law, and restored some prizes which were brought too ostentatiously into French harbours, but he secretly granted 400,000 livres as a compensation to their captors, and the prisoners found no difficulty in escaping from the prison at Dunkirk. He again and again, in every term

[1] American *Diplomatic Correspondence*, i. 273, 341.
[2] Ibid. p. 273.

that could be binding upon men of honour, assured the English Ambassador of the perfect neutrality and pacific intentions of France, and of the determination of the French King to observe religiously the treaties he had signed; and he at the same time steadily pressed on his naval preparations for the war.[1] If the French were somewhat slower in throwing away the mask and the scabbard than the Americans could have wished, they at least gave the colonies the assistance most needed, and, as the commissioners acutely said, the very delay was not without its compensation. 'Enjoying the whole harvest of plunder upon the British commerce, which otherwise France and Spain would divide with us, our infant naval power finds such plentiful nourishment as has increased and must increase its growth and strength most marvellously.'[2]

'All Europe,' they wrote, about this time, 'is for us.' 'Every nation in Europe wishes to see Britain humbled, having all in their turn been offended by her insolence, which in prosperity she is apt to discover on all occasions.'[3] England under the great ministry of Pitt had acquired an empire and a preponderance on the sea not less overwhelming and not less menacing than that which Charles V. and Lewis XIV. had acquired on land, and it had become a main object of the governing classes on the Continent to reduce it, while the merchants in every nation were looking forward with eagerness to the opening of the great field of

[1] See the full details of these proceedings in the very curious letters of Franklin and Deane, American *Diplomatic Correspondence*, i. 272, 273, 311, 313, 319, 320, 322, 341, 371. *Correspondence of George III. with Lord North*, ii. 68, 69. On the repeated assurances given by the French, both in Paris and through their ambassador in London, of their pacific intentions, see Adolphus's *Hist. of England*, ii. 309, 429, 439.

[2] American *Diplomatic Correspondence*, i. 321.

[3] Ibid. pp. 278, 281.

American commerce, which had hitherto been a monopoly of England. Spain, which was greatly under the influence of France, and very hostile to England, supplied the colonies with money and with gunpowder, and gave their vessels greater trade privileges than those of any other country,[1] though without any real wish for American independence. The Grand Duke of Tuscany secretly removed all duties from American commerce, and expressed himself so favourable to the American cause that Deane assured his employers that they might safely purchase or construct frigates at Leghorn.[2] Frederick of Prussia, who had never forgiven his desertion by England, without committing himself openly to the Americans, or even consenting to receive their envoy, watched with undisguised delight the growing embarrassments of his old ally, threw every obstacle in his power in the way of German enlistments, and took great pains to assure France that he would remain perfectly passive if she entered into war with England. The Emperor, hostile on all other points to Frederick, agreed with him in discouraging the German enlistments for England. Holland was delighted to find in America a new market for her goods, and the little Dutch island of St. Eustatius became a great mart for supplying the wants of the insurgents.

In France public opinion began to flow with irresistible force in favour of war. The old enmity towards England, the martial spirit which had been repressed and profoundly humiliated, the recollection of the long series of defeats and disasters which had terminated in the shameful peace of 1763, and also the prevailing fear that, unless the power of England were diminished, all

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[1] American *Diplomatic Correspondence*, i. 92, 93, 275.
[2] Ibid. pp. 65 92, 93.

the French dominions in the West Indies and South Africa must speedily be captured, had deeply stirred the French people; while all that was best in French thought and most generous in French character welcomed the rise of the great republic of the West. The small but growing school of economists saw in it the future champion of free trade. The followers of Voltaire, who aspired beyond all things to religious liberty, pointed with enthusiasm to the complete separation of Church and State and the total absence of religious restrictions in the American constitutions, and they began to extol America even more than they had hitherto extolled China, as the ideal land of philosophers and freethinkers. The followers of Rousseau, who valued beyond all things political equality and liberty, and who were at this time in the zenith of their influence, saw in the New World the realisation of their principles and of their dreams, the final refuge of liberties that were almost driven from Europe. The influence of French speculation on the American contest had in truth been extremely slight. The struggle in New England was of an essentially English kind, directed to very practical ends, and turning mainly on the right of taxation and on disputed principles or interpretations of the British Constitution; but there were a few men in America who had been in some degree touched by French thought, and among them was Jefferson, the chief author of the Declaration of Independence. The passage in that document—curiously unlike the cautious spirit of New England lawyers and of Pennsylvanian Quakers, and curiously audacious in a document that emanated from an assembly consisting largely of slave-owners—in which the American legislators asserted as a self-evident truth that all men were created equal, and were endowed by the Creator with an inalienable right to liberty, might have been written by Rousseau himself;

and the much nobler passage in which they maintained that all governments exist only for the benefit, and derive their just powers from the consent, of the governed; and that whenever any form of government becomes destructive to the ends for which government was instituted, it is the right of the people to alter or abolish it, awoke a mighty echo on the Continent.

It was a strange thing to see the public opinion of a purely despotic country thrilling with indignation because England had violated the constitutional liberties of her colonies; especially strange when it is remembered that one of the great American grievances was that England had perpetuated in Canada something of the French system of colonial government. Of the sincerity of the enthusiasm, however, there can be little question. The very judicious selection of Franklin as the chief representative of the colonies greatly added to it. His works were well known in France through several translations; his great discovery of the lightning conductor had been made when the Parisian enthusiasm for physical science was at its height, and it was soon found that the man was at least as remarkable as his works. Dressed with an almost Quaker simplicity, his thin grey hair not powdered according to the general fashion, but covered with a fur cap, he formed a singular and striking figure in the brilliant and artificial society of the French capital. His eminently venerable appearance, the quaint quiet dignity of his manner, the mingled wit and wisdom of his conversation, the unfailing tact, shrewdness, and self-possession which he showed, whether he was negotiating with French statesmen or moving in a social sphere so unlike that from which he had arisen, impressed all who came in contact with him. Vergennes declared him to be the only American in whom he put full confidence. Turgot, in an immortal

line, described him as having torn the lightning from heaven and the sceptre from the tyrant's hand.[1] Voltaire complimented him in his most graceful phrases, and expressed his pride that he was himself able to address him 'in the language of Franklin.' Poets, philosophers, men and women of fashion, were alike at his feet, and all the enthusiasms and Utopias of France seemed to gather round that calm American, who, under the appearance of extreme simplicity, concealed the astuteness of the most accomplished diplomatist, and who never for a moment lost sight of the object at which he aimed. His correspondence and his journal show clearly the half-amused, half-contemptuous satisfaction with which he received the homage that was bestowed on him. It became the fashion to represent him as the ideal philosopher of Rousseau. He was compared by his admirers to Phocion, to Socrates, to William Tell, and even to Jesus Christ. His head, accompanied by the line of Turgot, appeared everywhere on snuffboxes and medallions and rings. He was the idol alike of the populace and of society, and he used all his influence to hurry France into war.[2]

A few warning voices were heard, but they were little heeded. Necker, who now managed the finances, saw as clearly as Turgot had seen before him that continued peace was a vital interest to France and to her dynasty, for it alone could avert the impending bank-

[1] The famous line, 'Eripuit cœlo fulmen, sceptrumque tyrannis,' was perhaps suggested by a passage in Manilius:

'Solvitque animis miracula rerum,
Eripuitque Jovi fulmen, viresque tonandi,
Et sonitum ventis concessit nubibus ignem.' i. 103–106.

According to Condorcet (*Vie de Turgot*), Turgot wrote: 'Eripuit cœlo fulmen, mox sceptra tyrannis.'

[2] Some curious particulars about Franklin's French life will be found in a very able article on Franklin in M. Philarète Chasles' *Le Dix-huitième Siècle en Angleterre.*

ruptcy. Even Vergennes hesitated to strike the fatal blow till it had been somewhat more clearly demonstrated that a reconciliation of England with her colonies was no longer to be feared. When at the request of Franklin the Declaration of Independence was translated, and scattered, with the permission of the ministers, broadcast over France, Mirabeau, who was then a prisoner at Vincennes, asked whether those who were so anxious to ally themselves with the revolted colonies had really read or understood this Declaration, and had considered whether on its principles any European governments, except those of England, Holland, and Switzerland, could be deemed legitimate. When a few months later the French ministers informed England that the Americans had become independent by virtue of their Declaration, Lafayette remarked with a smile that they had announced a principle of national sovereignty which they would soon hear of at home.[1] The King hesitated much, but Marie Antoinette, who caught up every fashion and enthusiasm with the careless levity of youth, assisted the American cause with all her influence, little dreaming that she was giving the last great impulse to that revolutionary spirit which was so soon to lead her to misery and to death. 'Give me good news,' she said to Lafayette, when he visited her in 1779, 'of our good Americans, of our dear republicans.'[2] Paine's 'Common Sense,' with all its denunciations of monarchy, was translated into French;

[1] Rocquain, *L'Esprit Révolutionnaire avant la Révolution*, pp. 370, 371; *Mémoires de Lafayette*, i. 50.

[2] 'Dites-moi de bonnes nouvelles de nos bons Américains, de nos chers républicains.' This was told by Lafayette to Augustin Thierry. See Circourt, *Action commune de la France et de l'Amérique*, i. 171. Paine, many years later, wrote: 'It is both justice and gratitude to say that it was the Queen of France who gave the cause of America a fashion at the French Court.'—*Rights of Man.*

and was, if possible, even more popular in France than in America.[1] Few things in history are more tragical than the mingled gaiety and enthusiasm with which the brilliant society of Versailles plunged into the stream that was to sweep them so speedily to the abyss. As yet, however, there were few misgivings, and American observers believed and hoped that if a revolution broke out it would not be in Paris but in London. 'The King and Queen,' wrote John Adams from Paris in 1778, 'are greatly beloved here. Every day shows fresh proof of it. On the other side of the Channel there is a king who is in a fair way to be the object of opposite sentiments to a nation if he is not at present.'[2]

One of the chief signs of the prevailing enthusiasm was the multitude of soldiers who went to America to enlist in the army of the insurgents. 'I am well-nigh harassed to death,' wrote Deane in 1776, 'with applications of officers to go out to America.' 'Had I ten ships here I could fill them all with passengers for America.' 'The desire that military officers here of all ranks have,' wrote the commissioners a few months later, 'of going into the service of the United States is so general and so strong as to be quite amazing. We are hourly fatigued with their applications and offers which we are obliged to refuse.'[3] Most of them, no doubt, were mere soldiers of fortune, animated only by love of adventure, hatred of England, or hope of higher rank or pay than they could gain at home; but a few were of the purest type of enthusiasts for liberty. Among these the most conspicuous was Lafayette, who abandoned a great fortune and position and a young wife to serve gratuitously in the army of Washington,

[1] American *Diplomatic Correspondence*, i. 29, 30.

[2] *Familiar Letters of J. Adams and his Wife*, p. 350.

[3] American *Diplomatic Correspondence*, i. 71, 93, 276.

and who was appointed a major-general at the age of nineteen.

The great majority of these foreigners were French, but there were a few of other nationalities. Among the latter were Pulaski, who had distinguished himself beyond all other men in resisting the first partition of Poland, and Kosciusko, the hero of her later struggle. Steuben, a veteran German soldier, who had served under Frederick through the Seven Years' War, did more than perhaps any other single person to discipline and organise the army of Washington. Baron Kalb, who, like many other Germans, had fought with much distinction under the banner of Marshal Saxe, had visited America in 1768 as the secret agent of Choiseul, and when the war broke out he hastened to place his sword at the disposal of the Americans. Another officer of whom great hopes were entertained was Conway, an Irishman in the French service, who was esteemed 'one of the most skilful disciplinarians in France,' but whose intriguing and ambitious character produced one of the most serious of the many divisions in the American army.[1]

This incursion of foreign soldiers into America was by no means without embarrassments. It was not at all in the character of the American troops to place themselves under the command of strangers, or to give up to strangers the most lucrative posts in their army, and the swarms of French soldiers who came over with promises of high rank given them by Deane excited endless jealousy and difficulty. Great numbers of American officers at once resigned. General Du Cou-

[1] American *Diplomatic Correspondence*, i. 71–73, 76, 97, 98, 295, 296. The lives of Steuben and of Kalb have been written in German by Kapp, and in English by Greene (G. W.), in his interesting little book on *The German Element in the War of Independence.*

dray, who came out with a large party of French officers, was drowned in the Schuylkill, and his followers, after much angry contention about the rate of pay, declared that the terms of their engagement were broken, and returned to France. An attempt was made to enlist a brigade of French Canadians, and to employ the French officers in organising it, but it utterly failed, and no class of Canadians showed the smallest disposition to throw off the English rule.[1] In the eighteenth century the type of mercenary soldier who sought pay and adventure in foreign armies was a very common one, and men of this stamp were often more than commonly capacious and unprincipled. Numbers of officers, through their ignorance of English, were wholly unable to communicate with the troops they aspired to command, while the leading authorities in America who were obliged to organise the public service were often, if not usually, absolutely ignorant of French. Washington himself was completely so, though he found time, in the midst of the occupations of the campaign, to learn enough to understand, though not to speak it,[2] and in the busiest and most anxious period of the struggle John Adams wrote to his wife lamenting bitterly that he had not her knowledge of that language, and imploring her to send him the name of the author of her 'thin French grammar which gives the pronunciation of the French words in English letters.'[3]

It needed all the tact and skill of management which Washington eminently possessed to surmount these difficulties, but in spite of every drawback the

[1] See, on these difficulties, American *Diplomatic Correspondence*, i. 336, 337, 346–349. Washington's *Works*, iv. 327–329, 419–425, 450–452; v. 32–35.

[2] Sparks's *Life of Washington*. Count Fersen, however, who had interviews with Washington in Oct. 1780, says he neither spoke nor understood French.—*Lettres du Comte Fersen*, i. 40, 41.

[3] *Familiar Letters*, p. 136.

presence of this large foreign element was of great assistance to the Americans. In addition to several excellent officers who had fought in the British army during the conquest of Canada, they had now among them many veteran soldiers trained in the very best armies of the Continent, and it is a significant fact that out of 29 major-generals in the American army, no less than 11 were Europeans.[1]

The remainder of the winter of 1776–7, after the combat of Trenton, passed without any memorable incident in America. The English remained for several months absolutely inactive in their entrenchments, and, to the unfeigned astonishment of Washington,[2] they made no attempt to regain the territory they had lost, or to force the passage of the Delaware and capture Philadelphia. Washington, on the other hand, was endeavouring to form an army, and his letters are full of bitter complaints of the want of patriotism he on all sides discovered. In New Jersey, it is true, the tide of feeling had been turned by the outrages of the British and Hessian troops. The New Jersey militia were in arms against the British, who now found the difficulties of obtaining provisions, forage, and intelligence greatly enhanced; but the laws of Congress directing the States to provide specified contingents for the American army were almost inoperative. The reluctance to enlist was extreme, and the delays of the State authorities threatened the utter ruin of the cause. The attempt to enlist troops for the whole duration of the war almost entirely failed. For some time Washington had not more than 1,500 men in his camp, while the English army was nearly ten times as numerous.[3] The theft of

[1] Greene's *Historical View of the American Revolution*, p. 283.

[2] Washington's *Works*, iv. 301, 340, 352.

[3] Ramsay, ii. 1, 2.. See, too, the Cornwallis *Correspondence*, i. 29.

arms by the soldiers who deserted or disbanded themselves had been carried to such an extent that it had become difficult even to provide the soldiers with common guns, when fortunately in March the first great supplies of guns and military stores arrived from France, and in this respect restored the condition of the army.[1] In the beginning of this month Washington reckoned the army of Howe in the Jerseys at not less than 10,000 men, while his own army was 4,000, nearly all 'raw militia, badly officered, and under no government.'[2] In the beginning of April he complained that the extravagant bounties given by different States for raising bodies of men upon colonial establishments had made it almost impossible to procure them for the continental service, as 'the men are taught to set a price upon themselves, and refuse to turn out except that price be paid.' 'How I am to oppose them' [the British], he adds, 'God knows; for excepting a few hundreds from Jersey, Pennsylvania, and Virginia, I have not yet received a man of the new continental levies.'[3] Ten days later, in a confidential letter to his brother, he once more expressed his utter astonishment at the continued inactivity of General Howe, and declared that if the English general abstained much longer from taking advantage of the extreme weakness of his opponents it would show that he was totally unfit for the trust that was reposed in him.[4] In the beginning of June he again acknowledged that it was still

[1] Washington's *Works*, iv. 337–339. The stealing of guns continued to be a great evil in the American army. In July 1777 Washington again complains of their rarity, though the importation of arms far exceeded the number of troops raised to make use of them. Ibid. p. 477.

[2] Ibid. pp. 339, 340. About a fortnight later, he wrote that the numbers 'fit for duty' were under 3,000, of whom all but 981 were militia, whose term of service would expire in about a fortnight. Ibid. p. 364.

[3] Ibid. pp. 375, 376.

[4] Ibid. p. 387.

'impossible, at least very unlikely, that any effectual opposition can be given to the British army with the troops we have, whose numbers diminish more by desertion than they increase by enlistments.'[1] If, indeed, as most historians are accustomed to assume, the bulk of the American people were really on the side of Washington, their apathy at this time is almost inexplicable, and it could only be surpassed by the stupendous imbecility of the English, who appear to have been almost wholly ignorant of the state of the American army, who remained waiting for reinforcements from England long after the season for active operations had begun and at a time when there was scarcely any enemy to oppose them, and who, by burning and plundering houses, destroying crops, insulting and outraging peaceful inhabitants, were rapidly turning their friends into foes.

One great cause of the slow organisation of the Americans was the difficulty of appointing the principal officers. In addition to the numerous foreigners who were to be provided for, great perplexity arose from the claim of every State to have a proportion of general officers corresponding to the number of troops it furnished.[2] In the absence of any universally recognised superior, conflicting claims and pretensions had free course; and several admirable letters remain in which Washington endeavoured to soothe the resentment or the vanity of neglected officers. John Adams, who visited the army in the summer of 1777, was much shocked at the disunion he found prevailing, and in a letter to his wife he expressed himself on the subject with great bitterness. 'I am wearied to death,' he wrote, 'with the wrangles between military officers high and low. They quarrel like cats and dogs. They

[1] Washington's *Works*, iv. 447. [2] Ibid. pp. 378.

worry one another like mastiffs, scrambling for rank and pay like apes for nuts.'[1]

In the spring and early summer a few inconsiderable expeditions took place in different quarters. The English destroyed large quantities of American stores at a place called Peeks-Kill, about fifty miles from New York, and at Danbury in Connecticut. The Americans destroyed a quantity of English stores in Long Island, and a small party of volunteers passing into Rhode Island succeeded in surprising and taking prisoner General Prescott, who was ultimately exchanged for General Lee. In June, Howe, having received some reinforcements from England, abandoned his quarters at Brunswick, but he made no effort to march upon the Delaware. After much complex manœuvring and several skirmishes which it is not here necessary to recount, he returned to his old quarters at Staten Island, despatched a portion of his troops to New York, and then sailed by a circuitous route to Chesapeake Bay, where he landed with about 16,000 men at a point some sixty miles from Philadelphia.

If the States had done what was expected from them, he would have been at least greatly outnumbered, but it was estimated by Galloway, and probably not untruly, that, of the 66,000 men voted by Congress for the continental service of 1777, they did not bring into the field 16,000, and that not half of these had enlisted voluntarily.[2] Massachusetts, Connecticut, and New Hampshire—the States where the anti-English spirit might have been expected to be strongest—were obliged to pass laws drafting militiamen to serve by compulsion as substitutes in the continental army for twelve months.[3] There were also great numbers of 'redemptioners,' or men who had bound themselves to serve their masters

[1] *Familiar Letters*, p. 276.
[2] Galloway's *Examination*, pp. 18, 19.
[3] Hildreth, iii. 189.

for a specified number of years, and who were freed from their obligations if they would enlist in the American army.[1] Even Boston had lost much of her old enthusiasm,[2] and every State fell far short of its quota. Washington endeavoured to arrest the march of Howe, but on September 11, 1777, he was totally defeated in the battle of Brandywine. His army fled in utter confusion to Chester, and Du Portail, a French officer who was then in the American service, in reporting the circumstances to the French War Office, expressed his firm conviction that 'if the English had followed their advantage that day, Washington's army would have been spoken of no more.'[3]

As usual, however, Howe did nothing to complete his victory, and the American army was able to re-form itself. The revolutionists took great pains to intimidate the loyal inhabitants of Pennsylvania, and they sent several of the principal inhabitants of Philadelphia prisoners to Virginia.[4] On September 26, Howe entered Philadelphia, and appears to have been warmly received both in the town and in its neighbouring country. He left four regiments to occupy the city, but posted the bulk of his army at Germantown, about ten miles distant. On October 4, Washington, having received large reinforcements of militia from Maryland and New Jersey, surprised this post, but after an obstinate battle he was again utterly defeated. The British, with the assistance of some men-of-war, then

[1] Hildreth, iii. 190.

[2] Adams writes (March 31, 1777): 'We have reports here not very favourable to the town of Boston. It is said that dissipation prevails, and that Toryism abounds and is openly avowed at the coffee-houses.' — *Familiar Letters*, p. 252. His wife answered: 'If it is not Toryism, it is a spirit of avarice and contempt of authority, an inordinate love of gain, that prevails not only in town but everywhere I look or hear from.'—Ibid. p. 261.

[3] Jones's *History of New York*, i. 197.

[4] Ramsay, ii. 8, 9.

proceeded to open the navigation of the Delaware, attacking the powerful forts which the Americans had constructed to command it, and though they were once very gallantly repulsed, they were in the end completely successful. Washington still continued, at the head of a regular army, to maintain himself in Pennsylvania, but the capital was in the undisputed possession of the English, the Congress was obliged to fly to Lancaster and Yorktown, the army of the Americans was demoralised by two great defeats, and the communications between the English fleet and army were fully established.

The position of Washington at this time was in all respects deplorable. As early as March he had written to General Schuyler: 'The disaffection of Pennsylvania, I fear, is beyond anything you have conceived,'[1] and the experience of the campaign fully justified his apprehensions. General Howe, during the many months his army was stationed at Philadelphia, never found the smallest difficulty in obtaining from the people abundance of fresh provisions. Profiting by his experience in New Jersey, he had given stringent orders, which appear to have been on the whole complied with, that no peaceful inhabitants should be molested; he even despatched a severe remonstrance to Washington, who had destroyed some mills in the neighbourhood; and he succeeded without difficulty in establishing perfectly amicable relations with the inhabitants. It would, perhaps, be an exaggeration to say that the active loyalists were the true representatives of Pennsylvanian feeling; but it is, in my opinion, not doubtful that the sympathies of this great and wealthy province were much more on the side of the Crown than on the side of the Revolution. Had the Pennsylvanians really regarded the English as invaders

[1] Washington's *Works*, iv. 360.

or oppressors, the presence of an English army in their capital would most certainly have roused them to passionate resistance. But, in truth, it was never found possible to bring into the field more than a tenth part of the nominal number of the Pennsylvanian militia, and the Pennsylvanian quota in the continental regiments was never above one-third full, and soon sank to a much lower point.[1] Washington complained bitterly that he could obtain no military intelligence, the population of whole districts being 'to a man disaffected'—disaffected 'past all belief.'[2] Millers refused to grind corn for his army. Provisions of every kind were systematically withheld, and often only obtained by forced requisitions or from other provinces. Carriages could rarely be obtained except by force, and Washington candidly described himself as in an enemy's country.[3] No American of any military or political eminence could separate himself from the army in Pennsylvania without great danger of being seized by the inhabitants and delivered up to the English.[4] As Lafayette bitterly complained, there were whole regiments of Americans in the British army, and in every colony there was a far greater number who, without actually taking up arms, made it their main object 'to injure the friends of liberty and to give useful intelligence to those of despotism.'[5]

The American army had sunk into a condition of appalling destitution. In September, Washington wrote that 'at least 1,000 men were barefooted and have performed the marches in that condition;'[6] and in the depth of winter the misconduct or inefficiency of the commissaries appointed by the Congress, and the general

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[1] Washington's *Works*, v. 96, 146. Hildreth, iii. 217.

[2] Washington's *Works*, v. 69, 198.

[3] Ibid. pp. 187, 197–199. Galloway's *Examination*, pp. 25–27.

[4] *Life of Joseph Reed*, i. 359.

[5] *Mém. de Lafayette*, i. 16.

[6] Washington's *Works*, v. 71.

disaffection of the people, had reduced the revolutionary forces to a degree of misery that almost led to their destruction. On one occasion they were three successive days without bread. On another, they were two days entirely without meat. On a third, it was announced that there was not in the camp 'a single hoof of any kind to slaughter, and not more than twenty-five barrels of flour.' There was no soap or vinegar. 'Few men' had 'more than one shirt, many only the moiety of one, and some none at all;' and, besides a number of men confined in hospitals or farmers' houses for want of shoes, there were on a single day 2,898 men in the camp unfit for duty because they were 'barefoot and otherwise naked.' In the piercing days of December, numbers of the troops were compelled to sit up all night around the fire, having no blankets to cover them, and it became evident that unless a change quickly took place the army must either 'starve, dissolve, or disperse, in order to obtain subsistence in the best manner they can.' In three weeks of this month the army, without any fighting, had lost by hardship and exposure near 2,000 men.[1] So large a proportion of the troops were barefoot that 'their marches might be traced by the blood from their feet.'[2] Yet week after week rolled on, and still, amid unabated sufferings, a large proportion of those brave men held together and took up their winter quarters, diminished indeed in numbers, and more than once defeated in the field, but still unbroken and undismayed, within a day's march of a greatly superior army of British soldiers.

The time was, indeed, well fitted to winnow the chaff from the grain; and few braver and truer men were ever collected around a great commander than those who re-

[1] Washington's *Works*, v. 193, 197, 199.

[2] Ibid. p. 329. See, too, the *Mém. de Lafayette*, i. 22.

ained with Washington during that dreary winter in alley Forge, some twenty miles from Philadelphia. For some days past,' wrote their commander on February 16, 1778, 'there has been little less than a famine in the camp; a part of the army has been a week without any kind of flesh, and the rest three or four days. Naked and starving as they are, we cannot enough admire the incomparable patience and fidelity of the soldiery, that they have not been ere this excited by their sufferings to a general mutiny and dispersion. Strong symptoms, however, of discontent have appeared in particular instances, and nothing but the most active efforts everywhere, can long avert so shocking a catastrophe.'[1] Many, indeed, fell away. 'No day, nor scarce an hour passes,' wrote Washington in December, 'without the offer of a resigned commission.'[2] Many fled to the country and to their friends, and not less than 3,000 deserters came from the American camp to the British army at Philadelphia.[3]

But while the American army in Pennsylvania seemed thus on the eve of dissolution, and owed its safety chiefly to the amazing apathy of the English, an event had happened in the North which changed the whole fortune of the war, and made the triumph of the Revolution a certainty. We left the greater part of the northern American army posted in the strong fort of Ticonderoga and in a series of neighbouring entrenchments, which, it was believed, might be long maintained against the enemy. General Carleton had been lately superseded by General Burgoyne in the command of the English army in those quarters. Burgoyne was already well known to fame. He had served with distinction in

[1] Washington's *Works*, v. 239.
[2] Ibid. p. 201.
[3] Galloway's *Examination*, pp. 19, 20.

the war in Portugal. He had been a member of Parliament and a frequent speaker, and he had attained much reputation in another and very different field, as the author of an exceedingly popular comedy, called the 'Heiress.' He was esteemed a good soldier and a man of much general ability and ambition, though not equally distinguished for the rectitude of his judgment. In June 1777 he marched from St. John's at the head of a well-appointed army of nearly 8,000 men, about half of them foreigners; and he soon after summoned the Indians who had taken arms, to a war feast, and in an emphatic speech impressed upon them the duty of humanity in war, offered a reward for every prisoner brought in alive by the savages, and threatened severe punishments against all who were guilty of outrages against old men, women, children, or prisoners. He afterwards issued a proclamation to the insurgents, which was greatly and justly blamed. He enumerated in highly coloured terms the crimes which had been committed against the loyalists, promised impunity and protection to all who would lay down their arms, but threatened those who resisted with the most terrible war, and reminded them that a word from him would abandon them to the ferocity of the Indians.

The advance upon Ticonderoga was made by land and water, and the army and fleet arrived before it on July 1. Works were speedily thrown up. Batteries were planted; a hill which commanded the chief fortifications of the Americans, and which had been left unguarded, was seized; and General St. Clair, who commanded the American forces, having hastily summoned a council, it was agreed that the whole army could only be saved from capture by an instant evacuation of the fortress and of all the adjoining works. Congress had been already informed that between 13,000 and 14,000 men were required for their de-

fence, and less than 3,500 were left to guard them against an English force which was much larger than the Americans had anticipated. On the night of July 5 the Americans precipitately abandoned the fortification. Their flight was disastrous in the extreme. Ninety-three cannon were left in Ticonderoga. The chief part of the provisions and stores were embarked on 200 boats and despatched up the South River to Skenesborough, but on the morning of the 6th the English fleet hastened in their pursuit, burst through a ponderous boom which had been constructed to impede its progress, overtook the American flotilla, burnt three galleys, captured two others, and took or destroyed the greater portion of the stores and provisions. The American army which retreated by land was rapidly pursued, and the rearguard, consisting of 1,200 men under Colonel Warren, was overtaken and almost annihilated. It is said that not more than ninety men rejoined the ranks. St. Clair succeeded, however, after a rapid march of seven days, in gaining Fort Edward, where Schuyler was stationed with the remainder of the Northern army. The combined forces of the Americans now numbered 4,400 men, including militia, and they hastily fled before the approaching army of Burgoyne in the direction of Albany.[1]

The evacuation of Ticonderoga, and the crushing disasters that immediately followed it, struck a panic through New England which had hardly been equalled when New York or Philadelphia was taken. The strongest post in the American possession had fallen almost without a blow, and it appeared for a time as if the design which the English generals were seeking to accomplish would be speedily attained. It was the object of Burgoyne, in co-operation with Clinton, who

[1] Ramsay, Stedman, Hildreth.

was stationed at New York, and with Howe, who was stationed at Philadelphia, by occupying the whole line of the Hudson, to sever New England from the Central and Southern States, and, by thus isolating the part of America which was seriously disaffected, to reduce the whole contest to narrow limits. Washington wrote in great alarm describing the evacuation as unjustifiable and almost inexplicable, and John Adams declared that the Americans would never learn to defend a post till they had shot one of their generals. Charges not only of incapacity but of treachery were freely made. Schuyler was deprived of his command and replaced by Gates, who, as a New Englander, was more acceptable to the soldiers. Such small reinforcements as could be raised were hastily despatched, and with them was Lincoln, who was very popular with the Massachusetts militia, and Benedict Arnold, whose high military qualities were now generally recognised. The country into which the English had plunged was an extremely difficult one, full of swamps, morasses, and forests, but at length on July 30 the Hudson was reached.

But by this time the first panic had subsided, and a spirit of resistance had arisen wholly unlike anything the British had yet encountered during the war. The militia of New England and of the disaffected portions of New York were called to arms, and they responded with alacrity to the summons. It was partly a genuine enthusiasm for the cause, for the New Englanders had thrown themselves into the Revolution with an earnestness which was almost wholly wanting in New Jersey and Pennsylvania, and their keen intelligence fully realised the importance of the crisis. It was partly also the dread of Indian incursions, and the many instances of Indian atrocities perpetrated under the shelter of the English flag, which roused, as they always roused, the dormant energies of the people. The American army

soon rose to more than 13,000 men.[1] Burgoyne found himself enormously outnumbered in the heart of a country where the natural difficulties of obtaining provisions, preserving communications, procuring intelligence, and moving troops were immense. Two isolated detachments of German troops, under Colonel Baum and Colonel Breyman, accompanied by some Indians and by some loyalists, were totally defeated near Bennington, with a loss of 600 or 800 men, and of four cannon. An attempt made by another separate expedition to capture a small fort called Fort Stanwix failed, after some severe fighting, in the course of which many wounded and prisoners were brutally murdered by Indians in the English service. False intelligence of a defeat of Burgoyne, and exaggerated accounts of the force that was sent to relieve the fort, induced St. Leger, who commanded the expedition, hastily to abandon the siege, and his artillery and stores fell into the hands of the garrison. But still Burgoyne pressed on, and, having with great difficulty collected provisions for thirty days, he crossed the Hudson, marched for four days along its banks, and on September 19 he encountered the American forces at Stillwater. The American wing which was first attacked was commanded by General Arnold, who appears to have fought, as he always did, with eminent courage and skill.[2] The battle was fierce and obstinate, and was only terminated, after about four

[1] Ramsay, pp. 11, 38.

[2] An attempt has been made in America, supported by the authority of Mr. Bancroft, to prove that Arnold was not actively engaged on this day. Mr. Isaac Arnold, however, the recent biographer of Benedict Arnold, appears to have established beyond dispute that this is a mistake, and that on this, as on all other occasions, Benedict Arnold showed himself an excellent soldier. See the *Life of Benedict Arnold* and a considerable amount of additional evidence in a pamphlet called *Benedict Arnold at Saratoga* (reprinted from the *United Service*, Sept. 1880), by Isaac N. Arnold. See, too, Stedman's very full account of the campaign.

hours' fighting, by the approach of night. The English retained the field of battle, but all the real advantages were on the side of the Americans. The dwindling army of the English was reduced by between 500 and 600 men, while the loss of the Americans was probably somewhat smaller.

The hunting season of the Indians had now begun, and as they had obtained little plunder and were much dispirited by the combats of Bennington and Stillwater, they began rapidly to desert. A large proportion of the Canadian volunteers followed their example. Provisions were beginning to run short. By crossing the Hudson the English had greatly added to the difficulty of maintaining their communications with the storehouses on Lake George. An expedition was planned by Gates and Arnold to recover Ticonderoga, and although it failed in its main object, it succeeded in intercepting large supplies intended for the English. The army of Burgoyne was now reduced to little more than 5,000 men, many of them incapacitated by wounds or sickness, and they were limited to half the usual allowance of provisions. The forage was soon exhausted, and the horses perished in numbers through hunger. The only hope remaining was that relief might arrive from New York, and Burgoyne had already succeeded in sending a message to Clinton describing his situation, and he had arranged all his later movements with a view to such relief. An attempt was made from New York to effect it, but the relieving army never reached the unhappy commander. The almost certain prospect of capturing a British army elated the Americans to the highest degree, and new volunteers rapidly poured in. On October 7 another desperate fight took place; Arnold had all but succeeded in capturing the British lines, when he was laid low by a severe wound; and the British lost, besides many killed and wounded, 200

prisoners and nine pieces of cannon. Next day, Burgoyne retired to Saratoga, where he was speedily surrounded by an army nearly four times as large as his own, and so advantageously posted that it was scarcely possible to attack it. Burgoyne estimated the number of his own men who were still capable of fighting as not more than 3,500.[1] All communications were cut off; the hope of relief from New York was almost gone, and the small amount of provisions in the camp was nearly exhausted. Burgoyne refused, even in this extremity, to yield without conditions, but on October 17, 1777, the memorable convention was signed, by which the whole British army, with all its arms and artillery, were surrendered to the enemy.

The number of men who surrendered, including Canadians, irregular and militia troops, camp followers and labourers, was about 5,800, and it was stipulated, among other things, that they should march out with the honours of war, and that they should be permitted at once to return to England on condition of not serving again in North America during the war. The overwhelming nature of the disaster was at once felt on both sides of the Atlantic. Clinton, who had captured some forts and advanced some distance along the Hudson to the relief of Burgoyne, retired to New York. The small garrison which had been left at Ticonderoga, knowing that it was impossible to defend that post against the army which was now free to act against it, hastily abandoned it and retreated to Canada.

In Europe, one of the first effects of the calamity was to fix the determination of the French ministers. Their desire of injuring and humiliating Great Britain had hitherto been restrained by their dread of war, by the

[1] See the Minutes of the Council of War, Oct. 13, in Burgoyne's *State of the Expedition from Canada.*

miserable condition of their finances, by their fear that the long succession of American disasters would lead, either to a speedy compromise or to a total subjugation of the insurgents. It is a common error of politicians to overrate the wisdom of their opponents and to underrate the influence of resentment, ambition, and temporary excitement upon their judgments or their acts; and many of the best English observers appear to have believed in 1777 that France would not enter openly into the war, but would content herself with the line of sagacious policy which had been indicated by Turgot. This appears to have been, on the whole, the opinion of Burke.[1] It was the decided opinion of Gibbon, who visited Paris in August;[2] and the King, though quite aware of the secret assistance which the French were giving to the Americans, expressed his belief, in September, that the chances of war with France had greatly diminished.[3]

It is probable, indeed, that the French ministers themselves were undecided until the tidings arrived, in the first week of December, of the surrender of Saratoga. In those tidings they heard the knell of English dominion in America, of English greatness in the world. Their decision was speedily taken. On the 17th of that same month they informed the American commissioners that they were resolved to enter into a treaty of commerce with America, to acknowledge and support her independence, and to seek no advantage for themselves except a participation in American commerce and the great political end of severing the colonies from the British Empire. The sole condition exacted was that the Americans should make no peace with England

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[1] Burke's *Correspondence*, ii. 145, 146.

[2] *Miscellaneous Works*, ii. 210.

[3] *Correspondence of George III. and Lord North*, ii. 83, 84. See, too, pp. 98, 106, and Walpole's *Last Journals*, ii. 178.

which did not involve a recognition of their independence.[1] On February 6, 1778, treaties to this effect were formally signed in Paris.

It will now be necessary to revert to the course of opinion in England. The undoubted popularity of the war in its first stage had for some time continued to increase, and in the latter part of 1776 and the first half of 1777 it had probably attained its maximum. At the close of 1776 the greater part of the Rockingham connection, finding themselves beaten by overwhelming majorities, abstained from attending Parliament except in the mornings, when private business was being transacted. A great part of the majorities against them consisted, no doubt, of courtiers and placemen, of representatives of Cornish boroughs, or other nominees of the Government; but the Whigs at this time very fully admitted that the genuine opinion of the country was with the Government and with the King. The victory of Long Island, the capture of New York, Fort Washington, and Fort Lee, the successful invasion of the Jerseys, and at a later period the battle of Brandywine and the occupation of Philadelphia and of Ticonderoga, convinced a great section of the English people that the insurrection was likely to be speedily suppressed, and that the area of real disaffection had been extremely exaggerated. The Declaration of Independence, and the known overtures of the Americans to France, were deemed the climax of insolence and ingratitude. The damage done to English commerce, not only in the West Indies, but even around the English and Irish coast, excited a widespread bitterness, and it was greatly intensified by a series of attempts which were made at the close of 1776 and in the beginning of 1777 to burn the arsenals at Portsmouth and

[1] American *Diplomatic Correspondence*, i, 355–357.

Plymouth, and the shipping at Bristol. Several houses at Bristol were actually destroyed, but at last the culprit was detected and convicted, and he proved to be an artisan who had recently returned from America, and who by his own confession had acted at the direct instigation of Silas Deane, the American commissioner at Paris.[1] Besides all this, war in itself is seldom unpopular in England. English privateers were soon afloat, rivalling in their gains those of the colonies, and the spirits of patriotism, combat, domination, and adventure were all aroused.

Sir George Savile, writing confidentially to Rockingham in January 1777, described the condition of opinion in the most emphatic terms: 'We are not only patriots out of place, but patriots out of the opinion of the public. The reputed successes, hollow as I think them, and the more ruinous if they are real, have fixed or converted ninety-nine in one hundred. The cause itself wears away by degrees from a question of right and wrong between subjects, to a war between us and a foreign nation, in which justice is never heard, because love of one's country, which is a more favourite virtue, is on the other side. I see marks of this everywhere and in all ranks.'[2] In his admirable letter on the American question addressed to the Sheriffs of Bristol, which was published in the beginning of 1777, Burke made no secret of his belief that English opinion had deserted the Americans. A few months later he wrote to Fox that 'the popular humour' was far worse than he had ever known it; that his own constituency, Bristol, had just voted the freedom of the city to Lord Sandwich and Lord Suffolk; that 'in Liverpool they are literally almost ruined by this American war, but

[1] See his confession in Howell's *State Trials*, xx. 1365.

[2] Albemarle's *Life of Rockingham*, ii. 305.

they love it as they suffer from it.' 'The Tories,' he added, 'do universally think their power and consequence involved in the success of this American business. The clergy are astonishingly warm in it; and what the Tories are when embodied and united with their natural head, the Crown, and animated by their clergy, no man knows better than yourself. The Whigs . . . . are what they always were (except by the able use of opportunities), by far the weakest party in this country. . . . The Dissenters, their main effective part, are . . . not all in force. They will do very little.'[1]

Measures were carried without difficulty suspending the Habeas Corpus Act in the case of persons suspected of high treason committed in North America or on the high seas, or of piracy, and granting letters of marque and reprisal against American vessels. Supplies amounting to a little less than 13 millions were voted for the expenses of the year, and an address, which was moved by Lord Chatham in May, for repealing the many oppressive Acts relating to America since 1763, was easily rejected. The language of the Opposition in their private correspondence, and sometimes in public, was that of extreme despondency. Burke was never weary of impressing upon the people that the American question should not be decided by philosophical or historical disquisitions upon the rights of Parliament or of provincial assemblies, but by considerations of practical policy, and that no possible good could result from the course which was being pursued. The English, he argued, never could get a revenue from America. The

[1] Burke's *Works*, ix. 152, 153. So the Duke of Grafton writes: 'The majority, both in and out of Parliament, continued in a blind support of the measures of Administration. Even the great disgrace and total surrender of General Burgoyne's army at Saratoga was not sufficient to awaken them from their follies.' —*MS. Autobiography*.

were masters only of the ground on which they encamped. They were rapidly, by the employment of savage allies and of German mercenaries, depriving themselves of every friend in America. They were adding enormously to their own national debt, and were exposing themselves to the danger of a foreign war under most disadvantageous circumstances. Nor were these the only evils resulting from the contest. The party most hostile to British liberty was raised to power. The principles of liberty were discredited. Precedents were admitted and a bias was created extremely hostile to the British Constitution, and some of its most essential maxims, being violated in America and asserted by insurrection, would soon cease to be respected at home. The Duke of Richmond even expressed his firm belief that Parliament in its present mood would be perfectly ready to establish despotism in England.[1]

The Whig secession was a very short one, and it was imperfectly observed. Fox, who was now rapidly rising to a foremost place among the opponents of the Ministry, never joined it. His speeches at this time, by the confession of the best judges, were among the most powerful ever heard in Parliament; and a significant letter is preserved in which the King recommended North to push on as much business as possible during a few days when the young orator was at Paris.[2] Whether, however, these speeches were as advantageous to the Whig party as they were to the reputation of the speaker, may, I think, be much doubted. It was one of the peculiarities of Fox, which he showed both during the American War and during the war of the French Revolution, that whenever he differed from the

[1] Burke's *Correspondence*, ii. 118.
[2] *Correspondence of George III. with Lord North*, ii. 40.

policy of the Government, he never appeared to have the smallest leaning or bias in favour of his country. Believing at this time that his friends were as completely proscribed as the Jacobites in the two preceding reigns, and that he had nothing to look forward to except the reputation of a great orator,[1] he placed no check upon his natural impulses. More than any other man he gave the Whig party that cosmopolitan and unnational character which was one of the chief sources of its weakness, and which it only lost at the Reform Bill of 1832. Chatham, in his most vehement denunciations of the policy of the Government, never forgot that he was beyond all things an English statesman, and the greatness of England was at all times the first object of his ambition. Burke, although he was guilty of innumerable faults of temper and taste, and although he was quite prepared to recognise the Independence of America, if it became necessary, seldom failed to put forward reconciliation as the ultimate end of his policy; and in his letter to the Sheriffs of Bristol in 1777 he offended some of the more violent members of his party by expressing his earnest wish that the whole body of authority of the English Crown and Parliament over America which existed before the Stamp Act, might be preserved perfect and entire.[2] But the language of Fox was that of a passionate partisan of the insurgents. I have already mentioned his eulogy of Montgomery, who fell at the head of the American army. In one of his letters he described the first considerable success of the English in America as 'the terrible news from Long Island,' and spoke of what would happen 'if America should be at our feet—which God forbid.'[3] In Parlia-

[1] Fox's *Correspondence*, i. 169–171.
[2] See Burke's *Works*, iii. 176, 178.
[3] Fox's *Correspondence*, ii. 145, 147.

ment he exerted all his eloquence to show that it was the true interest of France and Spain to draw the sword in favour of American Independence.[1] When the news of the crushing disaster of Saratoga arrived, the Opposition did not suspend for a single day their party warfare; they expressed no real desire to support the Government in its difficulties, and Fox at once signalised himself by a furious invective against Lord George Germaine, accusing him of disgracing his country in *every* capacity, and expressing his hope that he would be brought to a second trial.[2]

In every stage of the contest the influence of the Opposition was employed to trammel the Government. In 1776 they denounced the garrisoning of Minorca and Gibraltar with Hanoverian soldiers as a breach of the Act of Settlement.[3] After the surrender of Saratoga, Liverpool, Manchester, Edinburgh, and Glasgow each raised a regiment. Several independent companies were raised in Wales, and the patriotic enthusiasm was so strong that no less than 15,000 soldiers were presented by private bounty to the State.[4] But the Opposition did everything in their power to discourage the movement. They denounced the raising of troops by private subscription as unconstitutional and dangerous to liberty, while they dilated upon the indefensible condition of the country in a strain that must have greatly encouraged the French,[5] and Fox at the same time moved that no more troops should be sent out of England.[6] The statement of Wraxall that the Whig colours

[1] *Parl. Hist.* xviii. 1430.

[2] Walpole's *Last Journals*, ii. 170, 171. *Correspondence of George III. with Lord North*, ii. 95.

[3] Adolphus, ii. 265–267.

[4] Ibid. pp. 504, 505.

[5] Ibid. pp. 509–515.

[6] See *Parl. Hist.* xix. 620, 622. He said 'that Scotland and Manchester were so accustomed to disgrace that it was no wonder if they pocketed instances of dishonour and sat down contented with infamy.'

of buff and blue were first adopted by Fox in imitation of the uniform of Washington's troops,[1] is, I believe, corroborated by no other writer; but there is no reason to question his assertion that the members of the Whig party in society and in both Houses of Parliament during the whole course of the war wished success to the American cause and rejoiced in the American triumphs.[2] Benedict Arnold was attacked, Franklin and Laurens were eulogised in the British House of Commons in a strain which would have been perfectly becoming in the American Congress, and the American cause was spoken of as the cause of liberty.[3] Dr. Price, who was one of the great lights of the democratic party, and whose knowledge of finance was widely celebrated, was invited by the Congress at the end of 1778 to go over to America and to manage the American finances. He declined the invitation on the ground of his feeble health and spirits, but with a profusion of compliments to the Assembly, which he 'considered the most respectable and important in the world,' with the warmest wishes for the success of the Americans, and without the smallest intimation that the fact that they were at war with his country made it difficult for him to place his talents at their disposal.[4] In 1781 a young poet of the party, who afterwards became the great Sir William Jones, told how Truth, Justice, Reason, and Valour had

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[1] Wraxall's *Memoirs*, ii. 2. There is a long discussion on the origin of the Whig colours in the *Stanhope Miscellanies*, pp. 116–122, but it leaves the question in great uncertainty. Sparks thought that the Americans adopted the uniform from the Whigs, but it appears to have been worn in America from the very beginning of the contest. Jones speaks of a soldier who, 'dressed in buff and blue, afterwards joined Montgomery in Canada, was wounded and taken prisoner at Quebec.'—*Hist. of New York*, ii. 343.

[2] Wraxall's *Memoirs*, i. 470, 471.

[3] *Parl. Hist.* xxii. 1176. Burke was the warmest eulogist of Franklin and Laurens.

[4] *American Diplomatic Correspondence*, ii. 222, 224.

all fled beyond the Atlantic to seek a purer soil and a more congenial sky.[1] 'The parricide joy of some,' wrote Sir Gilbert Elliot about this time, 'in the losses of their country makes me mad. They don't disguise it. A patriotic Duke told me some weeks ago that some ships had been lost off the coast of North America in a storm. He said 1,000 British sailors were drowned—not one escaped—with joy sparkling in his eyes. . . . In the House of Commons it is not unusual to speak of the Provincials as our army.' The same acute observer expressed his conviction that the North Ministry had repeatedly made mistakes which would have destroyed it had it not been for the course which was adopted by the Opposition. 'It was the wish of Great Britain to recover America. Government aimed at least at this object, which the Opposition rejected. . . . The principles [of Government] respecting America were agreeable to the people, and those of Opposition offensive to them.'[2]

And while the Opposition by their grossly unpatriotic language and conduct exasperated the national feeling, the King, on his side, did the utmost in his power to embitter the contest. It is only by examining his correspondence with Lord North that we fully realise how completely at this time he assumed the position not only of a prime minister but of a Cabinet, superintending, directing, and prescribing, in all its parts, the policy of the Government. It was not merely that he claimed a commanding voice in every kind of appointment. The details of military management, the whole

[1] See a poem called *The Muse Recalled*; Jones continued:—

There on a lofty throne shall Virtue stand,
To her the youth of Delaware shall kneel;
And when her smiles rain plenty o'er the land,
Bow, tyrants, bow beneath th' avenging steel.
Commerce with fleets shall mock the waves,
And arts that flourish not with slaves.

[2] Lady Minto's *Life of Sir Gilbert Elliot*, i. 74, 76, 77.

course and character of the war, and sometimes even the manner in which Government questions were to be argued in Parliament, were prescribed by him; and ministers, according to the theory which had now become dominant in Court circles, were prepared to act simply as his agents, even in direct opposition to their own judgments. We have already seen that Lord Barrington, who, as minister of war, was most directly responsible for the manner in which the war was conducted, had distinctly informed his brother ministers as early as 1774 that he disapproved of the whole policy of coercing the colonies, that be believed the military enterprises which he organised could lead to nothing but disaster, and that he was convinced that, though the Americans might be reduced by the fleet, they could never be reduced by the army. We have seen also that, although Barrington never failed to express his opinions frankly and fully to the Cabinet, he consented, at the request of the King, to remain the responsible minister till the end of 1778. Lord Howe and Lord Amherst agreed with Barrington in thinking that an exclusively naval war was the sole chance of success, and it is extremely probable that this opinion was a just one. In the divided condition of American opinion, the stress of a severe blockade might easily have rendered the Revolutionary party so unpopular that it would have succumbed before the Loyalists, had it not been strengthened by the great military triumph of Saratoga, and by the indignation which the outrages of British and German troops and the far more horrible outrages of Indian savages had very naturally produced. But the King had a different plan for the war, and Barrington obediently carried it out. 'Every means of distressing America,' wrote the King, 'must meet with my concurrence.' He strongly supported the employment of Indians, and in October 1777 he expressed his

hope that Howe would 'turn his thoughts to the mode of war best calculated to end this contest, as most distressing to the Americans,' which, the King reproachfully added, 'he seems as yet carefully to have avoided.'[1] It was the King's friends who were most active in promoting all measures of violence. Clergymen who in the fast-day sermons distinguished themselves by violent attacks on the Americans or by maintaining despotic theories of government, were conspicuously selected for promotion. The war was commonly called the 'King's war,' and its opponents were looked upon as opponents of the King.[2]

The person, however, who in the eye of history appears most culpable in this matter, was Lord North. He disclaimed indeed the title of Prime Minister, as a term unknown to the Constitution; but as First Lord of the Treasury and Chancellor of the Exchequer he was more than any other person responsible to the country for the policy that was pursued, and but for his continuance in office that policy could hardly have been maintained. Nearly all the great politicians of Europe —Frederick in Prussia, Turgot in France, Chatham and Burke in England—pronounced the course which the English Government were adopting to be ruinous; and the bitterness with which the Opposition attacked Lord North was always considerably aggravated by the very prevalent belief that he was not seriously convinced of the wisdom of the war he was conducting, and that the tenacity with which he pursued it long after success appeared impossible, was due to his resolution, at all

[1] *Correspondence of George III. with Lord North*, i. 274, ii. 84. See, too, Bancroft's *History of the United States*, ix. 321, and also a paper, 'On the Conduct of the War from Canada,' copied from the handwriting of the King, in Albemarle's *Life of Rockingham*, ii. 330–332.

[2] See Nichols's *Recollections of George III.* i. 35.

hazards to his country, to retain his office. The publication of the correspondence of George III. has thrown a light upon this question which was not possessed by contemporaries, and, while it completely exculpates North from the charge of excessive attachment to office, it supplies one of the most striking and melancholy examples of the relation of the King to his Tory ministers. It appears from this correspondence that for the space of about five years North, at the entreaty of the King, carried on a bloody, costly, and disastrous war in direct opposition to his own judgment and to his own wishes. In the November of 1779 Lord Gower, who had hitherto been one of the staunchest supporters of the Government, resigned his post on the ground that the system which was being pursued 'must end in ruin to his Majesty and the country;' and North, in a private letter to the King, after describing the efforts he had made to dissuade his colleague from resigning, added these memorable words: 'In the argument Lord North had certainly one disadvantage, which is that he holds in his heart, and has held for three years past, the same opinion with Lord Gower.'[1] And yet in spite of this declaration he continued in office for two years longer. Again and again he entreated that his resignation might be accepted, but again and again he yielded to the request of the King, who threatened, if his minister resigned, to abdicate the throne, who implored him, by his honour as a gentleman, and his loyalty as a subject, to continue at his post, who reiterated his supplications in letter after letter of passionate entreaty, and who, though perfectly aware that Lord North regarded the war as hopeless and inevitably disastrous, uniformly urged that resignation would be an act of culpable, cowardly, and dishonourable desertion.

[1] See Fox's *Correspondence*, i. 212.

Unhappily for his country, most unhappily for his own reputation, North suffered himself to be swayed and became the instrument of a policy of which he utterly disapproved. He was an amiable but weak man, keenly susceptible to personal influence, and easily moved by the unhappiness of those with whom he came in contact, but without sufficient force of principle to restrain his feelings, or sufficient power of imagination to realise adequately the sufferings of great bodies of men in a distant land. His loyalty and personal attachment to the King were stronger than his patriotism. He was cut to the heart by the distress of his Sovereign, and he was too good-natured to arrest the war.

The King was determined, under no circumstances, to treat with the Americans on the basis of the recognition of their independence; but he acknowledged, after the surrender of Burgoyne, and as soon as the French war had become inevitable, that unconditional submission could no longer be hoped for, and that it might be advisable to concentrate the British forces in Canada, Nova Scotia, and the Floridas, and to employ them exclusively against the French and Spanish possessions in the West Indies.[1] He consented, too, though apparently with extreme reluctance, and in consequence of the unanimous vote of the Cabinet, that new propositions should be made to the Americans. The stocks had greatly fallen. No recruits could any longer be obtained from Germany; the ministerial majorities, though still large, had perceptibly diminished, and outside the Parliament, Gibbon noticed, even before the news of Saratoga arrived, that the tide of opinion was beginning to flow in the direction of peace.[2] On De-

[1] *Correspondence of George III. with Lord North*, ii. 118, 125, 126.

[2] See a remarkable letter of Gibbon (Dec. 2, 1777). A month previously the Duke of Richmond had written: 'I will say, too, that the people begin to feel the

cember 10, 1777, a few days after the surrender of Burgoyne had been announced, when the attitude of the French was yet unknown, and when Parliament was about to adjourn for Christmas, Lord North announced that at the close of the holidays he would bring in a project of conciliation.

The next day Chatham made one of his greatest speeches on the subject. Though now a complete invalid, he had several times during the last few months spoken in the House of Lords on the American question, with little less than his old eloquence, and with a wisdom and moderation which in his greater days he had not always exhibited. America, he emphatically and repeatedly maintained, never could be subdued by force; the continued attempt could only lead to utter ruin, and France would sooner or later inevitably throw herself into the contest. He reprobated, in language that has become immortal in English eloquence, the policy which let loose the tomahawks of the Indians upon the old subjects of England. In a passage which is less quoted, but which was eminently indicative of his military prescience, he had in November spoken of the total loss of the army of Burgoyne as a probable contingency,[1] and he dilated on the insufficiency of the naval establishments in a language which was emphatically repudiated by the ministers, but which subsequent events fully justified. He strongly maintained, however, that England and America must remain united for the benefit of both, and that though every week which passed made it more difficult, and

continuance of the war, the losses, the taxes, the load of debt, the want of money, and the impossibility of such success as to re-establish a permanent tranquillity.'—Albemarle's *Life of Rockingham*, ii. 318. Sir George Savile, however, thought that in November the people were still on the side of the war. Ibid. p. 322.

[1] *Chatham Correspondence*, iv. 452.

though the language of the ministers, and especially the employment of Indians, had enormously aggravated the situation, it was still possible, by a frank and speedy surrender of all the constitutional questions in dispute, and by an immediate withdrawal of the invading army, to conciliate the colonies. 'America is in ill-humour with France on some points that have not entirely answered her expectations; let us wisely take advantage of every possible moment of reconciliation. Her natural disposition still leans towards England, and to the old habits of connection and mutual interest that united both countries. This *was* the established sentiment of all the continent. . . . All the middle and southern provinces are still sound . . . still sensible of their real interests.' 'The security and permanent prosperity of both countries' can only be attained by union, and by this alone the power of France can be repressed. 'America and France cannot be congenial; there is something decisive and confirmed in the honest American that will not assimilate to the futility and levity of Frenchmen.' Prompt, conciliatory action was, however, necessary, and he accordingly strenuously opposed the adjournment, which left the country without a Parliament in the six critical weeks that followed the arrival of the news of the capitulation of Saratoga.[1]

His counsel was rejected, but in the course of the recess some private overtures were vainly made to Franklin by persons who are said to have been in the confidence of the English Government. The feeling of uneasiness in the country was now very acute, and it was noticed that in January 1778 the Three per Cents. stood at 71¼, whereas in January 1760, which was the fifth year of a war with the united House of Bourbon, they were 79.[2]

[1] *Chatham Correspondence*, iv. 454, 455, 457.
[2] *Parl. Hist.* xix. 617.

On February 17, North rose to move Bills of conciliation which virtually conceded all that America had long been asking. The Act remodelling the constitution of Massachusetts and the tea duty, which were the main grievances of the colonies, were both absolutely and unconditionally repealed. Parliament formally promised to impose no taxes upon the colonies for the sake of revenue, and although it retained its ancient right of imposing such duties as were necessary for the regulation of commerce, it bound itself that those duties should always be applied to public purposes in the colony in which they were levied, in such manner as the colonial assemblies should determine. It was enacted also that commissioners should be sent out to America to negotiate a peace, with full powers to treat with Congress, to proclaim a cessation of hostilities by land and sea, to grant pardons to all descriptions of persons, and to suspend the operation of all Acts of Parliament relating to the American colonies which had passed since February 1763.[1]

The propositions were listened to with blank amazement by the most devoted followers of the ministers. They were in effect much the same as those which Burke had vainly advocated nearly three years before. They completely surrendered all for which England had been contending at such a ruinous cost, and the speech with which Lord North introduced them was one of the most extraordinary ever made by an English minister. He contended that his present measures were not only perfectly consistent with his present opinions, but consistent also with the opinions he had always held and with the policy he had always pursued. He never, he said, had any real belief in the possibility of obtaining a considerable revenue from America. The policy of

[1] 18 Geo. III. c. xi. xii. xiii.

taxing America was not his, but that of his predecessors. He found the tea duty established and was not able to abandon it. The measure enabling the East India Company to send its tea to America, paying a small duty there, but with a drawback of the much larger duty previously paid in England, was in reality an act not of oppression but of relief, and it had only been turned into a new grievance by the combined artifices of demagogues who wished to produce a separation, and of smugglers who feared that the contraband trade in tea would be extinguished. The coercion Acts had been introduced on account of great acts of violence which had occurred in the colonies. They had not produced the results that were hoped for, and he was quite prepared to abandon them. They had, however, been so far from representing what, in the opinion of North, ought to be the permanent relations of England to the colonies, that he had accompanied them by a conciliatory measure which he still thought would have formed the happiest, most equitable, most lasting bond of union between the mother country and her colonies. He had proposed that any colony might secure itself against all taxation by Parliament if it would, of its own accord, raise such a sum towards the payment of its civil government and towards the common defence of the Empire as Parliament thought sufficient. The proposal was most honestly meant, but the Americans had been persuaded, partly by their own leaders, and partly by the English Opposition, that it was a deceptive one. He had afterwards authorised Lord Howe and his brother to negotiate with members of the Congress in 1776, but it was then objected that the commissioners had insufficient powers. This objection was obviated by the present Bill. The new commissioners would be instructed to endeavour to induce the colonies to make some reasonable, moderate, and voluntary contribution

towards the cost of the common empire when reunited, but no such contribution was to be demanded as essential; the right of Parliament to tax the colonies was formally and finally renounced, and the States were not to be asked to resign their independence till the treaty with the mother country had been agreed on and ratified in Parliament. It was added in the course of the debate on the part of the Government, that a security of the debts of Congress, and a re-establishment of the credit of the paper money which had now been so enormously depreciated, would be one of the objects of the Commission and, it was hoped, one of the chief inducements to the Americans to receive it with favour.

The speech, wrote a keen observer,[1] was listened to 'with profound attention, but without a single mark of approbation to any part, from any description of men or any particular man in the House. Astonishment, dejection, and fear overclouded the whole assembly.' Everything, as devoted followers of the Ministry explained, except independence, was conceded, and offers were made which a little before would certainly have been welcomed with alacrity. Now, however, they clashed against two fatal obstacles—the treaties with France, which, though not yet formally declared or ratified, were already signed, and the antecedents of the ministry, which made it impossible that any proposals that emanated from it could be received without hostility and distrust. That Lord North in his speech truly represented his own later opinions on American questions is very probable, but they were at least opinions which were utterly opposed to those which the world ascribed to him and to the general policy of his party. He was the special leader of men who in every

[1] *Annual Register* 1778.

stage of the long controversy had uniformly shown themselves the most implacable enemies of the pretensions of the colonies, and who had spared no insult and no injury that could exasperate and envenom the conflict. Sandwich and Rigby, Weymouth and Hillsborough, Wedderburn and Germaine, the King's friends and the Bedford faction, were very naturally regarded by the Americans as their most rancorous enemies. The language of the ministerial newspapers, the disposal of ministerial patronage, the gradual displacement of every politician who leaned towards a milder policy, had all abundantly indicated their spirit.

In such hands it was scarcely possible that conciliation could succeed. The commissioners appointed were Lord Carlisle, William Eden, and George Johnstone, a former governor of Florida. The first two were as yet very little known in politics, but after the Declaration of Independence, Lord Carlisle had moved the address in answer to the royal Speech which denounced the Americans as rebels and traitors, while Eden had been Under-Secretary to Lord Suffolk, the most vehement advocate of the employment of Indians in the war. Johnstone had, it is true, opposed the ministerial measures relating to the colonies, and he was well known in America; but he greatly injured the cause by private overtures to members of Congress, endeavouring by personal offers to obtain their assistance, and after much angry altercation he withdrew from the Commission. Congress unanimously declined any reconciliation which was not based on a recognition of American independence. The commissioners appear to have done everything in their power to execute their mission. They even went beyond their legal powers, for besides promising the Americans complete liberty of internal legislation, they offered an engagement that no European troops should be again sent to America without

the consent of the local assemblies, and they also offered an American representation in the English Parliament. Gates was in favour of negotiation, and Lee, who had now lost almost all sympathy with the American cause, was on the same side; but, though a great section of the American people would have gladly closed the quarrel by a reconciliation, the Congress was in the hands of the insurgent party. In October the commissioners published a manifesto appealing from the Congress to the people, offering the terms which had been rejected to each separate State, and threatening a desolating war if those terms were not accepted. Offers, however, emanating from the North ministry were almost universally distrusted, and the new alliance with France was welcomed with enthusiasm. On May 4, 1778, the treaties of alliance and commerce were unanimously ratified by Congress. On the 13th of the preceding March the latter treaty had been formally communicated by the French ambassador at London, and immediately after, the ambassadors on each side were recalled, and England and France were at war.

The moment was one of the most terrible in English history. England had not an ally in the world. One army was a prisoner in America; and the Congress, on very futile pretexts, had resolved not to execute the Convention of Saratoga, which obliged them to send it back to England. The great bulk of the English troops were confined in Philadelphia and New York. The growing hostility of the German Powers had made it impossible to raise or subsidise additional German soldiers; and in these circumstances, England, already exhausted by a war which its distance made peculiarly terrible, had to confront the whole force of France, and was certain in a few months to have to encounter the whole force of Spain. Her navy was but half prepared; her troops were barely sufficient to protect her shores

from invasion; her ministers and her generals were utterly discredited; her Prime Minister had just admitted that the taxation of America, which was the original object of the war, was an impossibility. At the same time, the country believed, as most men believed both on the Continent and in America, that the severance of the colonies would be the beginning of the complete decadence of England; and the Imperial feeling, which was resolved to make any sacrifice rather than submit to the dismemberment of the Empire, was fully aroused. It is a feeling which is rarely absent from any large section of the English race, and however much the Americans, during the War of Independence, may have reprobated it, it was never displayed more conspicuously or more passionately than by their own descendants when the great question of secession arose within their border.

There was one man to whom, in this hour of panic and consternation, the eyes of all patriotic Englishmen were turned. In Chatham England possessed a statesman whose genius in conducting a war was hardly inferior to that of Marlborough in conducting an army. In France his name produced an almost superstitious terror. In America it was pronounced with the deepest affection and reverence. He had, in the great French war, secured the Anglo-Saxon preponderance in the colonies; he had defended the colonies in every stage of their controversy about the Stamp Act, and had fascinated them by the splendour of his genius. If any statesman could, at the last moment, conciliate them, dissolve the new alliance, and kindle into a flame the loyalist feeling which undoubtedly existed largely in America, it was Chatham. If, on the other hand, conciliation proved impossible, no statesman could for a moment be compared to him in the management of a war. Lord North implored the King to accept his

resignation, and to send for Chatham. Bute, the old Tory favourite, breaking his long silence, spoke of Chatham as now indispensable. Lord Mansfield, the bitterest and ablest rival of Chatham, said, with tears in his eyes, that unless the King sent for Chatham, the ship would assuredly go down. George Grenville, the son of the author of the Stamp Act, and Lord Rochford, one of the ablest of the late Secretaries of State, employed the same language, and public opinion loudly and unanimously declared itself in the same sense. Lord Barrington represented to the King 'the general dismay which prevails among all ranks and conditions, arising from an opinion that the administration was not equal to the times, an opinion so universal that it prevailed among those who were most dependent and attached to his ministers, and even among the ministers themselves.' 'Every rank,' wrote one of the foremost bankers in London, 'looks up to Chatham with the only gleam of hope that remains; nor do I meet with anyone who does not lament and wonder that his Majesty has not yet publicly desired the only help that can have a chance to extricate the country from the difficulties which every day grow greater, and must otherwise, I fear, become insurmountable.' The Rockingham party believed, what Chatham still refused to admit, that the only possible course was to acknowledge at once the independence of America; and the old jealousies that divided them from Chatham were far from extinct. But the Rockingham party also agreed in thinking that it was now in the easy power of France and Spain to give 'a deadly blow' to this country, and as Chatham had clearly said that America could never be overcome by force, the difference between them was in reality chiefly in the more or less sanguine hope they entertained of the possibility of conciliation. The Duke of Richmond, who of all pro-

minent politicians was the most vehement supporter of the necessity of admitting the independence of America, sent to say that 'there never was a time when so great a man as Lord Chatham was more wanted than at present,' and that if Chatham thought it right to make another attempt to prevent the separation of the colonies he would 'be the first to give him every support in his power.' Lord Camden, who now usually acted with the Rockingham party, and was somewhat alienated from Chatham, wrote of him to Rockingham: 'I see plainly the public does principally look up to him, and such is the opinion of the world as to his ability to advise as well as execute in this perilous crisis, that they will never be satisfied with any change or arrangement where he is not among the first.'[1]

Everything seemed thus to point to a Ministry under the guidance of Chatham as the last hope of English greatness. Alone amid the accumulating disasters of his country and the concurrence of the most hostile parties the King was unmoved. He consented indeed—and he actually authorised Lord North to make the astounding proposition—to receive Chatham as a subordinate minister to North, in order to strengthen the existing administration; but this was the utmost extent to which he would go. His own words, which are too clear for cavil or for dispute, should determine for ever his claims to be regarded as a patriot king. 'I declare in the strongest and most solemn manner,' he wrote to North, 'that though I do not object to your addressing yourself to Lord Chatham, yet that you must acquaint him that I shall never address myself to him but through you, and on a clear explanation that he is to step forth to support an administration wherein

[1] Compare *Chatham Correspondence*, iv. 493–506, 511, 512; Albemarle's *Life of Rockingham*, i. 348–351.

you are First Lord of the Treasury. . . . I will only add, to put before your eye my most inward thoughts, that no advantage to this country, no present danger to myself, can ever make me address myself to Lord Chatham or any other branch of the Opposition. . . . Should Lord Chatham wish to see me before he gives his answer, I shall most certainly refuse it. . . . You have now full powers to act; but I do not expect Lord Chatham and his crew will come to your assistance.' 'I solemnly declare,' he wrote on the following day, 'that nothing shall bring me to treat personally with Lord Chatham;' and again, a little later, 'No consideration in life shall make me stoop to opposition.'[1]

It is worthy of notice that the determination of the King at any cost to his country, and in defiance of the most earnest representations of his own minister and of the most eminent politicians of every party, to refuse to send for the greatest of living statesmen at the moment when the Empire appeared to be in the very agonies of dissolution, was not solely or mainly due to his own opinions on the American question. Chatham had declared, as strongly as the King himself, his determination not to concede American independence; and the King, by permitting Lord North to introduce his conciliatory Bills, had sanctioned the surrender of every other constitutional question in dispute. The main motives that influenced the King were personal. The many provocations he had undoubtedly received from Chatham had produced in his eminently sullen and rancorous nature an intensity of hatred which no consideration of patriotism could overcome, and he also clearly saw that the triumph of the Opposition would lead to the destruction of that system of personal government which he had so labori-

[1] Fox's *Correspondence*, i. 188, 189; *Correspondence of George III. with Lord North*, ii. 149, 153.

ously built up. Either Chatham or Rockingham would have insisted that the policy of the country should be directed by its responsible ministers, and not dictated by an irresponsible sovereign. It is not difficult to detect in the passionate expressions of the King that the great question in whose hands the real and efficient determination of the policy of government was to rest, was that which most deeply affected his mind. The Opposition, he said, 'would make me a slave for the remainder of my days.' 'Whilst any ten men in the kingdom will stand by me I will not give myself up into bondage.' 'I will never put my hand to what would make me miserable to the last hour of my life.' 'Rather than be shackled by those desperate men (if the nation will not stand by me, which I can never suppose), I will rather see any form of government introduced into this island, and lose my crown than wear it as a disgrace.' No change, he emphatically said, should be made in the Government which did not leave North at its head, and Thurlow, Suffolk, Sandwich, Gower, Weymouth, and Wedderburn in high office. On such conditions he well knew that he could always either govern or overthrow the administration.[1]

This episode appears to me the most criminal in the whole reign of George III., and in my own judgment it is as criminal as any of those acts which led Charles I. to the scaffold. It is remarkable how nearly, many years later, it was reproduced. Terrible as was the condition of England in 1778, the dangers that menaced it in 1804 were probably still greater. The short peace of Amiens had ended; Napoleon, in the zenith of his power and glory, was preparing the invasion of England, and the very existence of the country as a free and in-

[1] *Correspondence of George III. with Lord North*, ii. 151, 154, 156.

dependent State was menaced by the most extraordinary military genius of modern times, disposing of the resources of the greatest and most warlike of continental nations. Under these circumstances, Pitt strenuously urged upon the King the necessity of a coalition of parties, and especially of the introduction of Fox into the ministry. Fox had not, like Chatham, shown the genius of a great war minister; but he was at the head of a powerful party in the State, and, as he had been one of the strongest opponents of the war when it first broke out, his acceptance of office would not only have given Government the strength it greatly needed, but would also have been the most emphatic demonstration of the union of all parties against the invaders. But the obstinacy of the King proved indomitable. He 'expressed his astonishment that Mr. Pitt should one moment harbour the thought of bringing such a man [as Fox] before his royal notice.' He announced that the great Whig statesman was excluded by his 'express command;' and when, in the succeeding year, Pitt resumed his efforts, the King said 'that he had taken a positive determination not to admit Mr. Fox into his councils, even at the hazard of a civil war.'[1]

It is an idle, though a curious question, whether it would have been possible for Chatham at the last moment to have induced the Americans to acquiesce in anything short of complete independence. If the foregoing narrative be truly written, it will appear manifest to the reader that a great part of the American people had never really favoured the Revolution, and that there were many of the remainder who would have been gladly reunited with England on terms which Chatham was both ready and eager to concede. The French alliance had, however, made it a matter of honour and

[1] Russell's *Life of Fox*, iii. 330–332, 349.

of treaty obligation for the Americans to continue the struggle, and passions had risen to a point that made reconciliation almost hopeless. The Rockingham party, in strongly asserting that an immediate recognition of American independence was the true policy of England, probably took a more just view of the situation than Chatham, while, on the other hand, their declaration would have greatly aggravated the difficulty of carrying out his policy. Nor was it possible that the task of reconciliation, even if it were practicable, could have been reserved for Chatham. The sands of that noble life were now almost run. On April 7, 1778, he appeared for the last time in the House of Lords. Wrapped in flannel, supported on crutches, led in by his son-in-law Lord Mahon, and by that younger son who was destined in a few years to rival his fame, he had come to protest against an address moved by the Duke of Richmond calling upon the King to withdraw his forces by land and sea from the revolted colonies. His sunk and hueless face, rendered the more ghastly by the still penetrating brilliancy of his eyes, bore plainly on it the impress of approaching death, and his voice was barely audible in the almost breathless silence of the House; but something of his old fire may be traced in the noble sentences of indomitable and defiant patriotism with which he protested 'against the dismemberment of this ancient and most noble monarchy,' and laughed to scorn the fears of invasion. After the reply of the Duke of Richmond, he tried to rise again, but fell back senseless in an apoplectic fit. He lingered till May 11. It was afterwards remembered that, as he lay on his death-bed looking forward to his own immediate end, he caused his son to read to him the passage in Homer describing the stately obsequies of Hector and the sorrow and despair of Troy.

The death of Chatham would under any circumstances

have made a profound and general impression, and the closing scene in the House of Lords was eminently fitted to enhance it. It was an exit, indeed, combining every element of sublimity and pathos. So awful a close of so glorious a career, the eclipse of a light that had filled the world with its splendour, the remembrance of the imperishable glory with which the dying statesman had irradiated, not only his country, but the dynasty that ruled it, the prescience with which he had protested at every stage against the measures that had ruined it, the lofty patriotism which, amid many failings and some follies, had never ceased to animate his career —appealed in the strongest manner to every sensitive and noble nature. Lord North showed on the occasion the good-feeling and generosity which never failed to distinguish him when he was able to act upon his own impulses; and Burke, though he had long and deeply disliked Chatham, combined with Fox in paying an eloquent tribute to his memory. The vote of a public funeral and monument, and a Bill paying the debts of the deceased statesman and annexing, for all future time, an annuity of 4,000*l.* a year to the title of Chatham, were carried almost unanimously through Parliament.

Beneath this decorous appearance, however, we may trace some very different feelings, and there were those who looked with indifference, if not with pleasure, on the death of Chatham. When he was struck down by the fatal fit the King wrote curtly and coldly to North, 'May not the political exit of Lord Chatham incline you to continue at the head of affairs?' When Parliament a little later voted a public funeral for the most illustrious of English statesmen, the King wrote, 'I was rather surprised the House of Commons have unanimously voted an address for a public funeral and a monument in Westminster Abbey for Lord Chatham, but I trust it is voted as a testimony of gratitude for

his rousing the nation at the beginning of the last war . . . or this compliment, if paid to his general conduct, is rather an offensive measure to me personally.' When the funeral took place it was observed that all persons connected with the Court were conspicuously absent.[1]

Among the politicians of the Opposition also there were some who looked upon the removal of Chatham in a very similar spirit. The Duke of Portland, who at a later period became the head of the Whig connection, wrote to Rockingham declining, on the plea of private business, and in terms that are singularly disgraceful both to his head and heart, to be present at the funeral of Chatham. 'I feel no inducement,' he wrote, 'to attend the ceremony this morning, but the pleasure of meeting you.' He approved of the conduct of Lord Rockingham in attending the funeral, but added a sentence, which is peculiarly painful as showing the opinion of the man to whom, beyond all others, Chatham was attached by the warmest personal and political friendship. 'Lord Camden might possibly not be much mistaken in considering Lord Chatham's death as a fortunate event.'[2] Chatham, indeed, though in his own family he was one of the most amiable of men, and though in the country at large he was the object of an almost adoring affection, never had the power of attaching to himself real private friends. Camden and Shelburne were the two statesmen to whom he appears to have given his fullest confidence, but Camden considered his death a fortunate event, and Shelburne, in his posthumous memoir, did the utmost in his power to blacken his memory.

[1] *Correspondence of George III. with Lord North*, ii. 171, 184–186.

[2] Albemarle's *Life of Rockingham*, ii. 356, 357. In a letter written immediately after the fit of Chatham, which Lord Stanhope prints from the Grafton papers, Camden speaks somewhat more feelingly on the subject. See, too, the *Chatham Correspondence*, iv. 519–528.

His death, though it gave substantial unity to the Opposition, no doubt on the whole strengthened the Government. By far the greatest name opposed to it was removed, and nearly the whole Opposition now advocated the concession of complete American independence, for which the country was most certainly as yet not prepared. The declaration of France aroused the indignation of the nation and changed the sentiments of many. Perhaps the class among whom the Americans had hitherto found the warmest and most uncompromising friends were the Presbyterians of Ulster, and a letter from Buckingham, the Lord Lieutenant, written immediately after the new war had become inevitable, asserts that 'by accounts received from very good authority, the idea of a French war has not only altered the language but the disposition of the Presbyterians.'[1] In England, too, many who had refused to regard the Americans as enemies, determined, as a matter of patriotism, to rally round the Government, now that a foreign enemy was in the field.[2] The militia were called out; some great noblemen undertook to raise regiments. The old spirit of international rivalry, the old self-confidence, and the old pugnacity were fully stirred, and the nation prepared with a thrill of not unjoyful enthusiasm to encounter its old enemy.[3]

In the negotiations that had taken place just before the death of Chatham it had at one time appeared not improbable that a considerable fusion of parties might be effected. Fox, though usually acting with the Rockingham Whigs, had not yet finally attached himself to them, and it is a remarkable fact that, although he at this very time surpassed all other politicians in the extraordinary

[1] Buckingham to Weymouth (Private), March 29, 1778.—MSS., Record Office.

[2] See Walpole's *Last Journals*, ii. 232, 233.

[3] See Lady Minto's *Life of Hugh Elliot*, pp. 142-145.

violence and power of his attacks upon the ministers, he had no disinclination to take office with them in a coalition ministry. He appears to have insisted only that places should be found for some other members of the Whig party, that the measures he had protested against relating to America should be repealed, and that Lord George Germaine should be excluded.[1] Negotiations arising from the desire of Lord North to resign went on in an intermittent manner for several months, and in January 1779 Fox wrote to Lord Rockingham, expressing a decided inclination for a coalition ministry, provided that North, Germaine, and Sandwich were no longer members. He contended that it was only by a gradual introduction of a Whig element into the Cabinet that the national policy could be modified. Rockingham, on the other hand, acting on the opinion which Burke had steadily advocated, considered that the party connection or organisation must be inflexibly maintained, and that the Whigs should only accept administration in a body and on such terms as would enable them fully to control its policy. Richmond wrote a long and very able letter advocating the same view, and it is evident that he considered a junction of Fox with the greater part of the North ministry extremely probable.[2]

The opinion of Rockingham and Richmond prevailed, and all overtures to the Whigs were at this time rejected, but in the course of 1778 a few minor changes were made. In February Sir W. Howe, at his own request, was recalled from America and succeeded in the command of the English army by Sir Henry Clinton. In March, in consequence of a personal quarrel, the resignation of Lord G. Germaine was tendered and ac-

[1] See a curious paper by Eden describing a secret negotiation he carried on with the Opposition as agent of the Government in March 1778.—Fox's *Correspondence*, i. 180–183.

[2] Ibid. i. 206–223.

cepted, but it was afterwards withdrawn, apparently on account of the difficulty of finding a successor, and shortly after some changes were made in the legal appointments. In the negotiations that preceded the death of Chatham, Shelburne had noticed and deplored the growing importance of lawyers in politics, and it was from this class that by far the ablest of the King's friends were drawn. The ministry of Lord North was on the whole very deficient in ability, but its Attorney-General and its Solicitor-General were both men of extraordinary talent.

Thurlow and Wedderburn—the Moloch and the Belial of their profession—had both made it their line of policy to attach themselves specially to the King. Thurlow was not a great lawyer, but he was a most powerful and ready debater, a man of much rugged sense and indomitable courage, coarse, violent, arrogant, shameless and profane. A leonine countenance, a loud commanding voice, fierce, shaggy brows, a demeanour like that of an insolent counsel brow-beating a timid witness and manifestly delighting in his distress, a quickness of repartee that seldom or never failed him, and a complete freedom from every vestige of deference, modesty, or hesitation, all added to the impression of overbearing and exuberant strength which he made on those with whom he came in contact. On a single question—the excellence of the African slave trade—he appears to have had a genuine conviction almost rising to enthusiasm, but in general, though he had a strong natural bias towards harsh and despotic measures, he seems to have taken his politics much as he took his briefs, and he had that air of cynical, brutal, and almost reckless candour which is sometimes the best veil of a time-serving and highly calculating nature. Wedderburn, who had already astonished the world by the flagrancy of one great act of apostasy, had not in-

deed the daring or the power, the genuine simplicity and directness of intellect that enabled Thurlow to play so great a part in politics, but he excelled him and almost all his other contemporaries in the art of elaborate and subtle reasoning, and he was in the highest degree plausible, insinuating, persevering, dexterous, and intriguing. Both of these men played a great part in the political system of George III. as representing especially the King in Cabinets which did not possess his full confidence, and in June 1778, Lord Bathurst, being induced to resign the Chancellorship, was replaced by Thurlow, who thus passed into the Cabinet. The promotion was one for which the King was extremely anxious with a view to the apparently imminent resignation of North.

In America the intervention of France speedily changed the conditions of the war. Philadelphia, though it had so lately been the seat of the Revolutionary Congress, never appears to have shown any restlessness under the English occupation. There were, no doubt, many Whigs among the young men, and a portion of the population had emigrated, but there appears to have been no popular movement against the English, no difficulty in supplying them with all that they required, no necessity for any military measures of exceptional stringency, no signs of that genuine dislike which had been so abundantly displayed at Boston. The English officers were received in the best society with much more than toleration, and they soon became extremely popular. The winter during which the forces of Washington remained half-starved at Valley Forge, and in which their commander complained so bitterly of the sullen or hostile attitude of the population, was long remembered in Philadelphia for its gaiety and its charm. In May, 1778, a more than commonly splendid festival was given by the

English officers in honour of Sir William Howe, who was just leaving America, and of his brother. It was called the Mischianza, and comprised a magnificent tournament, a regatta, a ball, and a great display of fireworks, with innumerable emblems and exhibitions of loyalty to England. It brought together one of the most brilliant assemblages ever known of the youth, beauty, and fashion of Philadelphia, and it was afterwards remembered that the unfortunate Major André was one of the most prominent in organising the entertainment, and that the most admired of the Philadelphian beauties who adorned it was Miss Shippen, soon after to become the wife of Benedict Arnold.[1]

Very soon, however, the aspect of affairs was changed, and in June, 1778, Clinton, in consequence of express orders from England, evacuated Philadelphia, and prepared to fall back on New York. The blow was a terrible one, and no less than 3,000 of the inhabitants went into banishment with the British army.[2] The Delaware was crowded with ships bearing broken-hearted fugitives who had left nearly all they possessed, and of those who remained many were banished or

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[1] Many curious particulars about the Mischianza will be found in Arnold's *Life of Benedict Arnold*, pp. 224-227, and Jones's *Hist. of New York*, i. 241-251, [illegible] pen-and-ink sketch of Miss Shippen in the Mischianza, drawn by André, is still preserved. The editor of Jones's *History* has preserved a remarkably pretty poem by a Philadelphian lady describing the charm of the English occupation of that town. Some interesting letters describing Philadelphia in the summer of 1778, written by Eden the Commissioner and by his wife, will be found in Lady Minto's *Life of Hugh Elliot*, pp. 173-178. Mrs. Eden writes: 'I found the account we had heard of so much apparent distress in the town perfectly false; indeed it is quite impossible to believe by the people's faces and the extreme quietness of the town, that you are not in a city perfectly at peace and at ease. As to security, I feel quite as safe here as if I was in my own dressing-room in Downing Street,' p. 176.

[2] Ibid. p. 177.

imprisoned by the Americans. The retreat was effected without much difficulty, though the Americans tried to impede it, and fought a battle with that object at Monmouth. In July, Count D'Estaing arrived off the coast with a French fleet of twelve ships of the line, four frigates, and about 4,000 French soldiers. He had hoped to find Lord Howe's fleet still in the Delaware, where it had gone to co-operate with the army in Philadelphia, and as that fleet was less than half the size of his own, it would in this case scarcely have escaped. The English, however, were already at New York, and D'Estaing followed them there; but though he for a time blockaded, he did not attempt to force the harbour. The French had for a few weeks a complete command of the sea, and by the advice of Washington an attempt was made to capture, or annihilate, the British force which had occupied Rhode Island since December 1776, and which now amounted to about 6,000 men. An American force of 10,000 men, consisting partly of a section of the army of Washington and partly of militia and volunteers raised in New England, was placed under the command of General Sullivan, and it succeeded on August 9 in landing on the island. The French fleet had a few days before forced its way into Newport harbour and obliged the English to burn several transports and warships in order to prevent them from falling into the hands of the enemy.

The operations of the French and Americans appear, however, to have been badly combined, and they ended in complete and somewhat ignominious failure. Four ships of the line—the first ships of a fleet sent from England under Admiral Byron—had just joined Lord Howe, who hastened, though still inferior to the French, to encounter them, when a great storm separated and dispersed the rival fleets, and greatly injured some of the French ships. To the extreme indignation of the

Americans, and in spite of an angry written protest by Sullivan, the French admiral refused to pursue the enterprise, and withdrew his ships under the shelter of the batteries of Boston. Between two and three thousand of the troops of Sullivan at once deserted, and it was with much difficulty, and after some hard fighting, that the remainder succeeded in effecting their retreat.[1] Clinton, with 4,000 men, had hastened to the relief of Rhode Island, but owing to adverse winds he arrived just too late, and returned to New York.

Several small expeditions, however, were made, and the war on the part of the English was in 1778 carried on with energy and success, but sometimes with great harshness and barbarity. They destroyed two or three little naval towns which had been conspicuous resorts of American privateers, burnt numerous houses and great quantities of shipping, and carried away much cattle and large stores of arms. They surprised by a night attack a regiment of light cavalry in New Jersey, and also a small brigade under Count Pulaski, and they almost cut them to pieces, little or no quarter being given. A more considerable expedition was sent to Georgia, where the loyalist feeling had always been very strong, and it speedily captured Savannah, the capital of the province, and drove the American troops into South Carolina. The inhabitants of Georgia for the

[1] The deep disappointment of Washington appears clearly in his letter to his brother. 'An unfortunate storm (so it appeared, and yet ultimately it may have happened for the best), and some measures taken in consequence of it by the French admiral, perhaps unavoidably blasted in one moment the fairest hopes that ever were conceived, and from a moral certainty of success rendered it a matter of rejoicing, to get our own troops safe off the island. If the garrison of that place, consisting of nearly 6,000 men, had been captured, as there was in appearance at least a hundred to one in favour of it, it would have given the finishing blow to British pretensions of sovereignty over this country.'—Washington's *Works*, vi. 68, 69.

most part gladly took the oath of allegiance; many of them bore arms in the service of the Crown, and a State legislature acknowledging the royal authority was once more established in the province. Some predatory guerilla war was carried on with various success along the borders of Florida, and a very horrible Indian war raged near the Susquehanna. The desolation of the new and flourishing settlement of Wyoming by 900 Indians, accompanied by about 200 loyalists under Colonel John Butler, has furnished the subject of a well-known poem by Campbell. It was accompanied by all those circumstances of murder, torture, and outrage that usually followed Indian warfare, and about three months later it was terribly avenged by some Pennsylvanian troops under another Colonel Butler. In November D'Estaing sailed from Boston, quickly followed by an English fleet, to carry the war into the West Indies.

The magnitude of the empire and interests of England was indeed vividly illustrated by the enterprises of the year, and there was no want of that vigour and daring which in the earlier American operations had been so conspicuously absent. In Hindostan the English at once took up arms against the French settlers, and before 1778 had ended all the French possessions in India had fallen into their hands, except the little fort of Mahé on the coast of Malabar, which was taken in the following year. In another and far distant quarter the French settlements on the islands of Miquelon and St. Pierre, which had been assigned at the peace of Paris as the centres of the French Newfoundland fisheries, were destroyed. In the West Indies, Bouillé, the French governor of Martinique, succeeded in capturing the neighbouring island of Dominica; but, on the other hand, St. Lucia was taken from the French. In the following year, however, the balance was turned in their favour by the capture of

the English islands of St. Vincent and Grenada. At home the English discovered with alarm that the naval preparations of France were much more considerable than they had anticipated. The command of the Channel fleet was given to Admiral Keppel—an appointment very creditable to the Government, for Keppel was a member of Parliament on the side of the Opposition, and was appointed only on account of his great professional eminence. He sailed in June towards the French coasts, and captured or destroyed two French frigates before war had been formally declared, but retired precipitately on discovering that the French fleet was much greater than his own. Having received reinforcements, he again sailed in July, and fought a somewhat larger French fleet off Ushant. The battle was indecisive. It was terminated by a sudden squall and the approach of night, and next day neither commander was disposed to renew it.

The result created much disappointment in England, and bitter recriminations broke out between Keppel and Sir Hugh Palliser, the second in command. The conflict was greatly increased by party spirit, for both admirals were members of Parliament, and they were attached to opposite parties. Each of them demanded a court-martial. Keppel was in all respects fully acquitted, and he received the thanks of the House, but he was so angry at what he conceived to be the bias of the Government that he threw up his command; while Palliser was also acquitted on every serious point that was alleged against him, though he was censured for not having apprised the commander-in-chief of the disabled state of his ship during the battle. Public opinion in London, and also in the navy, ran violently in favour of Keppel. London was illuminated for two nights on the occasion of his acquittal, and some serious riots were directed against Palliser and against the Admiralty

The rapid growth of the navy of France was the most alarming feature of the year, but on the whole the English appeared still to hold their accustomed pre-eminence in seamanship. It was feared that the sudden outbreak of the war with France would lead to the destruction of a great part of the British commerce which was now afloat, but these fears were not realised. By sound seamanship, by good fortune, and by the neglect of the enemy, an important fleet of merchantmen from the East Indies, another from Lisbon, and a third from Jamaica, all arrived in safety,[1] while English privateers swept every sea with their usual enterprise and success. It was computed that by the end of 1778 the Americans alone had lost not less than 900 vessels.[2]

The internal dissensions, and the great want of any efficient organisation which had hitherto impaired the American enterprises, continued unabated. At the end of 1777 there was a long and bitter cabal against Washington by Generals Gates, Miffin, and Conway, supported by some members of Congress, and forged letters attributed to Washington were printed and widely disseminated. Lee, who had now been exchanged and again put at the head of an American army, was removed from his command by court-martial on account of his disobedience to Washington at the battle of Monmouth, followed by disrespectful language to his chief. An extreme jealousy of the army was one of the strongest feelings of Congress, and a long and painful dispute took place with the commander-in-chief about the wisdom of providing half-pay for the American officers when the war was over. In some very remarkable and well-reasoned letters, Washington urged its absolute necessity. 'Men may speculate,' he wrote, 'as they will; they may talk of patriotism; they may

[1] Walpole's *Last Journals*, ii. 289–292. [2] Hildreth, iii. 241.

draw a few examples from ancient stories of great achievements performed by its influence; but whoever builds upon them as a sufficient basis for conducting a long and bloody war, will find himself deceived in the end. . . . I know patriotism exists, and I know it has done much in the present contest; but I will venture to assert that a great and lasting war can never be supported on this principle alone. It must be aided by a prospect of interest or some reward.' In the English army commissions were so valuable that companies had lately been sold for from 1,500*l.* to 2,200*l.*, and 4,000 guineas had been given for a troop of dragoons. In America all prices had risen to such a point through the depreciated currency, that it was scarcely possible for an American officer to live upon his pay, and he had nothing to look forward to when his service had expired. The result of this state of things was abundantly seen in 'the frequent defection of officers seduced by views of private interest and emolument to abandon the cause of their country,' 'Scarce a day passes without the offer of two or three commissions,' and 'numbers who had gone home on furlough mean not to return, but are establishing themselves in more lucrative employments.' 'The salvation of the cause,' Washington solemnly avowed, depends on the establishment of some system of half-pay, and without it the 'officers will moulder to nothing, or be composed of low and illiterate men void of capacity for this or any other business.' 'The large fortunes acquired by numbers out of the army afford a contrast that gives poignancy to every inconvenience from remaining in it.' But for the sudden prospect of a speedy termination of the war given by the French alliance, Washington doubted whether in the beginning of 1779 America would have 'more than the shadow of an army,' and in spite of that alliance he believed that few officers

could or would remain on the present establishment.[1] A compromise was at last effected in 1778 by which the officers who served to the end of the war were to receive half-pay for seven years, and the common soldiers who served to the end of the war a gratuity of 80 dollars.[2]

The enlistments, as usual, continued very slow. Scarcely a third part of the men voted by the different states actually came in, and it was found necessary to take extraordinary measures to obtain recruits. In the beginning of the war a few free negroes had been admitted into the army of Washington, and in 1778 a regiment of slaves was raised in Rhode Island. They were promised their freedom at the close of the war, and the owners were compensated for their loss. The negroes proved excellent soldiers; in a hard-fought battle that secured the retreat of Sullivan they three times drove back a large body of Hessians, and during the latter years of the war large numbers of slaves were enlisted in several states.[3]

Some recruits were also drawn from another and a much more shameful source. The convention of Saratoga had explicitly provided that the captive army of Burgoyne should without delay be sent to Boston, and should there be met by English transports and embarked for England, on the condition that it should not serve in North America during the existing war. This article was naturally disliked by the Congress, as it allowed the English troops to be employed either in home garrisons or in foreign service, except in America, and it was deliberately and most dishonourably violated. The keen legal gentlemen who

[1] Washington's *Works*, v. 305, 312, 313, 322, 323, 328, 351; vi. 168.

[2] Hildreth, iii. 245.

[3] See *Historical Notes on the Employment of Negroes in the American Army*, by George H. Moore.

directed the proceedings of Congress had no difficulty in discovering pretexts, though they were so flimsy that it is difficult to understand how any upright man could for a moment have admitted them. Something was said about a deficiency in the number of cartouche boxes surrendered, but the ground ultimately taken was an expression in a letter of General Burgoyne. Shortly after the surrender six or seven English officers had been crowded together in one room without any distinction of rank, contrary to the 7th article of the convention, and Burgoyne, in remonstrating against the proceeding, had incautiously used the expression, 'the public faith is broken.' This, the Congress maintained, was equivalent to a repudiation of the convention by one of its signers. Burgoyne at once wrote disclaiming any such intention, and he formally pledged himself that his officers would join with him in signing any instrument that was thought necessary for confirming the convention, and removing all possible doubt of its being binding upon the English Government. The Congress, however, pretended to be unsatisfied, and resolved to detain the English troops 'till a distinct and explicit ratification of the convention of Saratoga be properly notified by the Court of Great Britain to Congress.'

No such ratification could be obtained for several months, and it was doubtful whether the English would consent to it, as it involved a recognition of the Congress, and was at the same time absolutely without necessity, according to the terms of the convention. The commissioners, however, who came to America in 1778 with the fullest powers to negotiate on the part of the King and Parliament, offered to renew the convention; and Sir H. Clinton subsequently sent to the Congress instructions from the English Secretary of State authorising him expressly to demand a fulfilment of its terms, and, if required, to ratify in

the King's name all the conditions stipulated in it; but the Congress still refused to release the prisoners, who were thus by an act of barefaced treachery detained in America for several years.[1] After a time, many of them were persuaded to enlist in the American army, and Massachusetts appears to have especially employed them as substitutes for her own citizens, who refused to serve.[2] Washington strongly censured this practice, which was as impolitic as it was dishonourable, for many of the captive soldiers only joined the American army in order to escape, and soon found themselves again under their own flag, where, under the very peculiar circumstances of the case, they were gladly welcomed.